

THE
GREAT BETRAYAL

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WITHDRAWN

THE
GREAT BETRAYAL

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BY
STEPHEN S. WISE
AND
JACOB DE HAAS



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WITHDRAWN

To

NATHAN STRAUS

*Great Heart, Loyal American
Dreamer and Builder of Zion.*

*This is not a question merely
between the Jews and the
Arabs, but a question of
British honor.*

The Marquis of Reading, former
Lord Chief Justice of England



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INTRODUCTION

UPON the issuance of the Passfield White Paper, October 20, it seemed that, after the tumult and shouting of protest should die, it would be needful to set forth the facts lest men forget. The Passfield Paper was seen at once not to be in slight or partial variance with an established governmental policy but an appallingly complete annulment of what had been assumed by the nations to have become an unalterable British obligation. Therefore, whatever else might in the first bitter hour of accusation and condemnation be said, it seemed needful to collate and consider the documents in the case.

Soon after reaching the decision to set forth a full statement of the facts, I became ill. Forthwith it became needful to choose between postponing the plan to publish and sharing the task with another. I chose the latter course, inviting Jacob de Haas, comrade and biographer of Theodor Herzl, to collaborate with me. After Mr. de Haas' acceptance of the invitation to share

in the preparation of the volume, I became more seriously ill so that the larger part of the work had to be done by Mr. de Haas. The major burden of hurried compilation and preparation of the material thus rested upon him, though the responsibility for the book we bear together.

It is a serious, in truth, a grave task to which we set ourselves, the graver because of a life-long reverence and affection for all that is English. We do not indict a people. We do indict a government, which has rendered a terrible disservice to its people by bringing their honor into question. What greater hurt could a government do its people? The moral betrayals of peace-time are no less shameful than the military betrayals of war-time. The aim has been to set forth the case with fullness and clarity in the following pages. No need of anticipating the argument in this prefatory note. Yet it should be said that no deeper wrong can be done to Britain than to aver, as do some faint-hearted Jews and some soft-headed Liberals, that English statesmen designed the Balfour Declaration to be a bid or lure for world-Jewish support of the Allied war-aims, which lure we Jews in our extremity took too seriously. I am prepared to believe that in the end the Balfour Declaration came for the most part to be implemented by Colonial Office bureaucrats

in London and in Palestine, as if the Declaration were merely a fleeting war measure, to be emptied of content after the Armistice, though not too suddenly or obviously. But who save an inveterate foe of Great Britain can believe that Balfour and Lloyd George and Smuts did no more than try to trick a people? Passfield and some of his associates shall not rob us of our faith in the bonafides of Balfour and his associates.

No more can we assent to the validity of another theory less cynically urged,—that the War Cabinet did not encompass the difficulties of a situation which involved appeasement of Arab and Jew alike. Two fallacies underlie this theory,—one, the ascription of lack of intelligence and understanding to the leaders of the British War Cabinet. It seems a rather daring hypothesis that Balfour fumbled in the realm of statecraft, that this disciplined and far-reaching mentality, to say nothing of the astute Lloyd George and the seasoned Smuts, failed to grasp all the factors in a quite patent situation.

The Balfour Declaration was in the process of making for nearly two years. Its authorship was not solitary but collective. It was the work, in a very real sense, of the Allied War Cabinets and the American Government. But the attribution to England's war statesmen of failure to under-

stand the competing claims of Jew and Arab involves a still deeper blunder. There were no conflicting Arab and Jewish claims in Palestine during the War, any more than there were conflicting claims in Iraq or the Hedjaz. The British War Cabinet framed its policies on different bases in relation to the two peoples. In return in part for service rendered and to be rendered by Arab groups in Syria, Mesopotamia and the Hedjaz, England undertook to liberate the people of these lands from Turkish suzerainty and to safeguard their establishment as national entities. That undertaking, except for French dominance in Syria, has been fulfilled.

On a wholly different basis, which at the time seemed to be held with entire sincerity, the decision was reached to reconstitute the Jewish National Home. The conception underlying the Jewish National Home happened to fit into the deepening faith of the nations that Jews, a minority people in all countries, needed a national home. From such a national center in the ancient Jewish Homeland, it was hoped that healing strength and inspiration would radiate to Jews everywhere, and again become an enriching gift to all peoples. The decision to reconstitute the Jewish National Home was inevitable in view of the professions of the Allied Nations that the Great War, begin-

ning with Serbian resistance to the threat of Austro-Hungarian domination, was fought to maintain the national integrity of the smaller peoples, to reconstitute national entities in so far as these had been violated, and, above all, to restore and to safeguard the right of self-determination! It was on these grounds that the Allied Powers were impelled to bethink themselves touching the reconstitution of the Jewish National Home in Palestine, though nearly two millennia had passed since the day of exile of the Jewish people. A further grace was added to the rightful decision of the Allied Powers, with the eager coöperation of President Wilson, insofar as the Christian nations assumed the task of facilitating the establishment of the Jewish National Home in the spirit of reparation to a much-wronged people.

Whatever the motivation may have been in war years that led to the three-fold covenant of Great Britain, the Jewish people and the nations today, it is a condition and not a theory that confronts men. As a result of Britain's pledge to the Jews and acceptance of the League Mandate, Jews in all parts of the world,—but, above all, politically homeless Jews,—uprooted themselves and took up the march to make a home, a new home, in the old land. One hundred thousand men and women, bravest of the brave, have within a decade

settled in Palestine in the spirit of pioneers. Unlike other pioneering settlers, they would not selfishly hold what they have hardly won, but would share it with their brothers who are to follow. They have not pilgrimed in quest of self, nor have they pioneered for less than the most durable satisfactions of life that only sacrifice and selflessness can bestow. Even if there had been no Balfour Declaration and no League Mandate, it would still be meet that Britain, our country and other nations together consider the tragic facts of Jewish homelessness and hopelessness in many lands and of the one gleam that shines in Palestine as the land of a reconstituted home and a reborn hope for the Jewish people.

Mr. de Haas' almost unique command of the vast documentary material has made it possible for us to trace, step by step, the march from the high promise of November 2, 1917 to the base breach of October 20, 1930,—the descent from Balfour to Passfield. It would be unfair not to state with unmistakable clearness that the Passfield White Paper was not a bolt from the blue. It was the culmination of a sinister policy rather than its commencement. It was more than culmination, it was canonization. For what Colonial Office servants had in part planned and long practiced,—perhaps inevitably, in view of the

incongruity of naming Colonial Office administrators in a Mandated area,—they have at last attempted to enact into law under Passfield.

I, for my part, am ready to charge the officials of the Palestine Administration, alike in London and Jerusalem, with having so bedeviled a situation as to deepen Arab-Jewish differences, which at the outset were superficial. Statesmanship with good-will could easily have composed a situation which Colonial Office bureaucracy with ill intent has done everything to confound.

THE GREAT BETRAYAL deals at some length with the land question, the problem of Jewish self-help, immigration, and, all too briefly with the Wailing Wall issue. It must suffice in summing up to state that the Colonial Office has objected to Jewish expropriation of Arab land, widening that term to include lawful and peaceable acts of purchase at absurdly high rates, plus provision of substitute lands for the sellers. But, it should be added, even this "expropriation" would have been obviated in part, if the Palestine Government had not utterly failed to fulfill the terms of the Mandate with respect to the allotment to Jewish settlers of State Lands and the encouragement of close settlements.

As for the crime of "Jewish self-help," it has been the finest distinction of the Jewish resettle-

ment. That it may be understood, one need but consider the abhorrent alternative, namely that the plowing, sowing and reaping be done not by Jewish owners and settlers but by hired Arab workers. Then in truth it might have been charged that the Jews in Palestine are ready to reap, but are unwilling to sow, as tillers of the soil must be willing. Jewish self-help is only another way of saying that the Jewish settlers felt and feel that by their own toil their land must be redeemed. How they have toiled from the earliest to the latest groups of pioneers is the glory of the tale of Jewish resettlements in Palestine. It is Jewish self-help, not Arab exploitation, that has redeemed the land. The only wrong perpetrated by Jewish self-help,—which has not shut out the employment of thousands of Arab workers,—has been to move the enslaved Arab Fellahin to revolt against the bondage thrust upon them by rapacious Arab Effendis.

As for immigration, no one can dispute that it must depend on the "economic absorptive capacity of the land." But is it necessary to point out that such capacity began with Jewish immigration? It will end when Jewish immigration is barred. Whatever Arab unemployment obtains is not a sequel to Jewish immigration, but largely a "throw-back" to incurable Arab nomadism and

its four-seasonable non-employment. Jewish immigration of Palestine gave economic status to the Arab. Its continuance is the only guarantee of continued Arab employment and the enhancement of the welfare of all the people. To set up a dichotomy between Jewish immigration and Arab employment is to contradict all the facts in the case.

No point more clearly illustrates the political and moral shortcomings of the Palestine administration, culminating in the Passfield White Paper, than the development of the Wailing Wall issue. This has been handled in such fashion as to deny the Jew his right to worship undisturbed and unchallenged at this one remaining Jewish Shrine. At the same time, groups of Islam adventurers were lured into the hope of making it exclusively what has never before been claimed for it, a super-shrine of Islam. The Wailing Wall of twenty centuries of Jewish suffering, suffering transfigured by an undying hope, is to be converted into a memorial of the fancied resting place of the imaginary steed, Burak, of a dream-pilgrimage. That the Wailing Wall issue is before a League of Nations Commission today, is symptomatic of a situation needlessly aggravated. The Arabs have been given every reason to believe that whatever the Balfour Declaration and the Man-

date might say, Anglo-Palestine officials would so manage affairs as to make orderly, progressive, continuous Jewish resettlement all but impossible. At the same time, Arab agitators have in every way been led to the hope either of directly repealing the Mandate or of undoing it by such processes of indirection as would bring frustration to the Jewish effort.

If the Colonial Office sought to conform to the tenor as well as the text of the Mandate, then it has suffered itself to be overborne at last by its underlings in Palestine and their confederates in London. As for Lord Passfield's White Paper, it has crystallized and even petrified the refusal of Anglo-Palestine officials honorably and fully to discharge the obligations of the Mandate. Until canceled in substance, this will remain a blot upon England. The wisdom and justness of rewarding the Arab massacres of August 1929 by the unconditional Passfield surrender of October, 1930, will ultimately be left for decision not to the pundits of the Colonial Office, but to the conscience of the English people, irrespective of political parties.

In December, 1918, as one of a Commission of the Zionist Organization of America, the writer discussed with Mr. Balfour at some length the implications of the Declaration bearing his name,

as these were about to be considered by the Paris Peace Conference. It fell to him to acquaint Mr. Balfour with the text of a resolution adopted the preceding day by the American Jewish Congress in Philadelphia assembled. This resolution, expressive of the overwhelming will of American Israel, besought the British Government to assume a Protectorate over Palestine. Mr. Balfour replied that it was a great honor to his government and people to be urged by one of the populous and powerful Jewries in the world to assume a trusteeship over a Jewish Palestine. He added that he hoped, as he believed, that it was within the purpose of President Wilson to accept for the United States a parallel trusteeship over a reconstituted Christian Armenia.

Subsequently Great Britain accepted a Mandate from the League of Nations to fulfill the purpose of the Balfour Declaration. This purpose has not been fulfilled. The White Paper of Lord Passfield is a betrayal,—it may be that one should name it the climax and culmination of a great betrayal. Israel's, indeed mankind's, appeal is from the White Paper of Passfield to the conscience and honor of Balfour's England.

New York City
November, 1930

STEPHEN S. WISE.

THE
GREAT BETRAYAL



THE INDICTMENT

"IF THERE is no departure in the policy it is very remarkable that the whole Jewish world should take exception to the British statement," retorted David Lloyd George to Premier Ramsay MacDonald, across the floor of the House of Commons on Wednesday, October 29, 1930.

The policy relates to the upbuilding of the Jewish National Home, as redefined in an eagerly looked for report on the future of Palestine prepared by Sir John Hope Simpson, and enveloped in a White Paper issued by the British Government on October 20, 1930. There is no question that Lord Passfield is responsible for this unique document. It has the authority of the Colonial Office over which he presides, and we assume, despite the press reports that the Cabinet members either never saw it, or opposed it, that the government is responsible for a document which sets forth a government policy. A British White Paper has turned the Jewish World black with mourning.

From October 21st, the Jewish world has been

shaken by a surging wave of emotion, an aroused and embittered sense of wrath, that surpasses in its broad sweep, its intensity and its reality everything heretofore experienced in Jewish Life in our generation.

We Jews—and the writers speak as two Jews who stood at the cradle of the modern political Zionist movement who all their lives have participated in as well as observed the movement of Jewish affairs here in America and elsewhere,—we Jews are in truth capable of protest. We have suffered so many of the “slings and arrows of outrageous fortune,” we have experienced so many indignities, we have had heaped upon us so much of the world’s contumely, that our appeals to the conscience of mankind have something of the quality of oft-repeated prayers. Yet it can be said with assurance and knowledge that neither the *Dreyfus affair*, nor the Kishinef massacre, nor the demand for the abrogation of the United States Treaty with Russia—three epochal events in modern Jewish history,—stirred the same vehemence, or witnessed the instant ingathering of the mass of Jews that is now exhibited in every city and town in the world. A race, which in all the normal aspects of life is as much divided as any other people, has as though by a magnetic attraction been drawn together in response to

Lord Passfield's White Paper and has forged a union of unlooked for strength.

Why?

Every Jew is not a Zionist. Not every Zionist is prepared to settle in Palestine. There are non-Zionists, even anti-Zionists, among us. Yet on every Jewish lips there has formed not only that hateful, poisonous word "betrayal" but the word is uttered with a burning sense of indignation.

This people does not claim to be without guile. Having grown old in suffering, it is self-disciplined even in the language of imprecation. Zionism is in danger. The Jew, thinks the non-Jew, moved by racial urge yields to an *irridenta* over which it is pleasant to sentimentalize. The Jew, thinks the observer, saw himself reacting to the pleasure of possessing a "place in the sun" and he is hysterical because he finds himself lost in the shadows. Perhaps there is a gleam of truth in these suggestions. But a much larger measure of truth rests in the fact that the Jew feels that he has been duped as well as betrayed. He has suffered a violation not only with respect to Zion and his rights in Palestine, but he has sustained the blow at the hands of the British government—a government in which, as shall presently be made clear, he had complete faith. He has been outraged by, of all British governments, a Labor Government

which, owing to the complexities of the Jewish proletariat in every country, spelled to the average Jewish mind the party of hope, of redemption and justice, and of that equalization of humanity which is the necessary back-bone of the Jewish concept of reasonable existence. Moreover to add to the intensity of the mortification it was assumed to within a few months, that a Labor Government presided over by Ramsay MacDonald, who had said pleasant things of the Jews in Palestine, would of all human forces best appreciate the nature of the sacrifice and the character of the effort being made by the Jewish people in Palestine.

Is our sense of wrong suffered—hysteria? The voices that answer for us are the voices of the former Prime Minister Stanley Baldwin, former Foreign Secretary Sir Austen Chamberlain and former Colonial Secretary Leopold S. Amery:

“What we regret is that his Majesty’s Government would appear to have abandoned that policy—they have discouraged the effort of the Jewish leaders to promote the good feeling which the government itself postulates as a necessary condition of the settlement of Palestinian problems.

“Without giving either Jewish or Arab

opinion an opportunity to express itself or allowing the voice of the British Parliament to be heard, they have laid down a policy of so definitely negative a character that it appears to us to conflict not only with the insistence of the Council of the League of Nations that it would be contrary to the intention of the mandate if the Jewish National Home were crystallized at its present stage of development but with the whole spirit of the Balfour Declaration and of the statements made by successive governments in the last twelve years."

The "man in the street," a trifle perplexed and not a little suspicious as to the ways of politicians, suspects that perhaps this is only one of the peculiar methods by which the "outs" in England seek to overcome the "ins." So in substantiation of the Baldwin, Chamberlain, Amery view we quote the words of General Jan Christian Smuts who, though one of the foremost statesmen in the British dominions, is at present without office in his own country, South Africa, and is therefore far removed from the play and counter-play that proceed in Westminster.

"As one of those who was responsible for the Balfour Declaration I feel deeply perturbed

over the present Palestine policy. The government statement marks a retreat from that Declaration which was a definite promise to the Jew of the world that the policy of the Jewish National Home would be actively prosecuted and its intention was to obtain the powerful Jewish influence for the Allied cause at the darkest hour of the War.

"As such it was approved by the United States Government and the other Allies and accepted in good faith by the Jews. It cannot now be varied unilaterally by the British Government. It represents a debt of honor which must be discharged in full at all cost. The circumstances of the original Declaration were far too solemn to permit any wavering now. I most strongly urge the government to issue a statement that the terms of the Balfour Declaration be fully carried out in good faith and the government's Palestine policy be recast accordingly."

The English conservative leaders accuse the Government of having "abandoned" a policy. General Smuts describes it as a "retreat." The connotation of these two words as applied to the act is the same, the difference is as to what may subsequently follow. Smuts is sanguine that

the lost ground can be recovered. Baldwin is more pessimistic. Both emphasize a radical change: both admit a breach of faith.

These men accuse not the people, but the present government of Great Britain of disloyalty to principle and of betrayal of policy. Jews voice the same sense of outrage. They formally employ toward the British government's action the words Sir Edward Grey used to describe Germany's violation in 1914 of the treaty which neutralized Belgium.

"Contrary to the assurances given by the representative of the British Government to the League of Nations, a statement has been issued by that Government announcing a Policy with respect to Palestine which is a breach of its trust and a defiance of its international obligations.

"To this repudiation and violation, the Jewish People will never submit.

"We denounce as utterly unfounded the suggestion that Jewish development in Palestine has been prejudicial to the welfare of the Arabs. The contrary is the truth. Improvement in Arab life, as the proceedings before the Mandates Commission have conclusively proven, steadily followed in the wake of Jewish effort.

"We declare the professed adhesion of the statement of the British Government to the Jewish National Home policy simultaneously with a denial of the right of immigration and land purchase by Jews as a travesty of that policy and as a violation of the Declaration by a previous Government in 1922, that the Jews are in Palestine as of right and not on sufferance.

"We point to the fact that the Palestine Mandate, which embodies the Balfour Declaration, is based upon the explicit recognition of 'the historic connection of the Jewish people with Palestine.' We declare this connection unbroken and unbreakable. This connection will subsist despite the present attempt of the British Government to nullify the Palestine Mandate and to reduce the Balfour Declaration to a scrap of paper."

So declared three thousand Jews, hastily gathered, filling to capacity Mecca Temple, New York City on October 21st. Here, says the critic, speaks the carping, easily-roused mob! Perfervid Zionists with something at stake, if no more than pride in party and in theory, are shouting. Note then that the preceding words quoted from the mass-meeting resolution are an under-statement

compared with what two men of affairs, a banker and an industrialist, men of cautious phraseology, subduers of public emotion say. Mr. Felix M. Warburg, better known as a banker and philanthropist than as exponent of a racial urge, in a long message explaining his resignation from the office of chairman of the Administrative Committee of the Jewish Agency says:

"The assurances which Lord Passfield gave me as to the forthcoming recommendations, are at variance with what he has now publicly announced.

"At Lord Passfield's personal invitation, I went to London on August 22nd. During a two hours' talk, he authorized us to make certain statements to the Administrative Committee of the Jewish Agency at its forthcoming executive meeting in Berlin a few days later. In the light of the documents just issued by Lord Passfield, I am compelled, however regretfully, to say that I was misled. Lord Passfield's representations to me made me the innocent vehicle of misstatements to my colleagues of the Jewish Agency.

"With deep regret I must resign as Chairman of the Administrative Committee. I had a right to place complete reliance upon the

statements made by Lord Passfield on behalf of his Government and through me the Jewish people were misled. Further relations such as the Chairmanship of the Administrative Committee entails, are no longer possible."

Simultaneously and with no less vehemence Lord Melchett, the former Sir Alfred Mond, chemist and financier, a British Peer, conveys his flaming sense of wrong.

"This grotesque travesty is an insult to the intelligence of Jewry and an affront to the Mandates Commission. It is impossible to discover what rights the Jews in or out of Palestine are to have in the future, or in what way they can be made to feel they have any rights at all in that country."

Are these men mad? Are they turning to the invective of Isaiah because the frenzy of Zion has gotten into their bones? Or have they for private reasons set out to blast the honor of MacDonald, or to destroy the reputation of Lord Passfield? Is the conservative Baldwin seeking to ditch his political opponent? Is Smuts thrusting at anti-imperialistic Passfield? Is capitalist Warburg aiming at the overturning of a socialistic government? Is Melchett seeking revenge on trade unionists? Let us complete the variety of

the accusations by adding that of Abraham Cahan, veteran socialist, and seventy year old editor of the leading Yiddish socialist daily in the United States, *The Forward*:

"With a bleeding heart I must ask: How can a Labor Party issue such a policy?

"In the present tragedy of England our comrades there have, it seems, lost their ordinary coolness, common sense and deep Socialist sense of justice. They believe that the decision which they have made is in the interests of their country, of their people. We, the Jewish Socialists, can only have one standpoint in this sad moment. We must stand by our people, the Jewish people.

"We demand our rights in Palestine. We demand that England should keep its word and not break its solemn vow. . . .

"Let us hope that the League of Nations will reject the decision of the Colonial Office and demand of England that it fulfill its contract."

There was more of individual drama in Zola's *J'Accuse* hurled at President Faure and the French General Staff, when the Dreyfus case reached its culmination than in any of these individual statements. But the accumulation of protest before us, beyond listing and overwhelm-

ing in its spontaneity, indicates that a world has risen, a world, that includes men of British birth, against a "White Paper" of which the venerable Baron Edmond de Rothschild has written—

"the principles laid down in that paper are contrary both to the spirit and the letter of the Mandate for Palestine, which is based on the Declaration made by Lord Balfour, then Secretary of Foreign Affairs in the name of his government."

Against this charge Mr. MacDonald in the House of Commons on October 28th, sought to answer all critics by saying:

"In the spirit of the mandate and sticking strictly to the letter of the mandate, we are straightening out the differences between contradictory parts of certain declarations. Nothing has amazed me more than the extraordinary intentions attributed to the Colonial Office and the government on account of this White Paper."

This obtuseness is also characteristic of MacDonald's answer to General Smuts, in which he says:

"The Balfour Declaration explicitly provided that nothing should be done to prejudice the civil and religious rights of the existing

non-Jewish communities in Palestine. Since the acceptance of the Palestine Mandate the trend of events, particularly in some methods adopted in the establishment of the Jewish National Home, has tendered to endanger the position of the non-Jewish communities to a degree which, in light of the Simpson report, has given us great concern and has convinced us of the necessity for special measures to ensure that the double obligation of the Mandate be fulfilled."

Setting aside motive, restraining emotion in order to put the case before the bar of public opinion, the question remains, has the Labor Government reversed the Balfour Declaration and Palestine Mandatory policy? And if the Government of that people, which assumed "the white man's burden," has been guilty of a breach of sacred trust and of public faith, what is the measure of that breach? What, if anything lies behind it? How deep is the moral delinquency, how great the legal violation of contractual obligations?

To answer all these questions we must carry the reader back over thirty years of public Jewish effort to achieve a foothold in Zion, in loyal coöperation with the government of Great Britain.



ENGLAND'S FIRST APPROACH

ON JULY 9, 1902, Theodor Herzl, protagonist of the "Jewish State: An Attempt at a Solution of the Jewish Problem," and President of the World Zionist Organization, appeared in London as an expert before the Royal Commission on Alien Immigration, over which Lord James of Hereford presided. The great founder of the modern Zionist movement did not hesitate to speak into the British record his clear conviction as to the causes as well as the solution of the Jewish Question. He defined his objective thus:

"The solution of the Jewish difficulty is the recognition of Jews as a people and the finding by them of a legally recognized home, to which Jews in those parts of the world in which they are oppressed would naturally migrate, for they would arrive there as citizens just because they are Jews, and not as aliens. . . . Give to Jews there their rightful position as a people and I am convinced they would de-

velop a distinct Jewish cult—national characteristics and national aspirations—which would make for the progress of mankind.”

Herzl in his statement transposed the phrase Jewish National Home, into “a home legally recognized as Jewish,” in order to achieve clarity.*

Whatever the subsequent course of events, whatever the nature of the interruptions that followed, it is clear from these words of the founder of the Zionist movement, uttered before a Parliamentary body, that British statesmen and British officialdom had in their possession in documentary form, as early as 1902, definite information as to the objects of Zionism, and the aims and purposes of the movement. There ought therefore in 1930 arise neither bewilderment nor astonishment as to Zionist claims. Nor did Theodor Herzl in 1902 as an individual go beyond the avowed program adopted publicly at the first Zionist Congress, held at Basle, Switzerland in 1897, which thereafter became known as the Basle Program.

“Zionism aims to create a publicly secured, legally assured home for the Jewish people in Palestine.”

* *Theodor Herzl*, Jacob de Haas, Vol. II, p. 323.

These Jewish aspirations were in themselves not new to Englishmen nor to British statesmen. Sokolow's two volumes on the *History of Zionism*, are in the main devoted to collating the facts of the British interest in the Restoration of the Jews to Palestine from Cromwellian Days. Setting aside emotional, religious and mystical interest in the fulfillment of prophecy, it is important to point out that from Moses Montefiore's first visit to Palestine in 1836, and more especially from the date of his intervention in the Damascus incident of 1840, there developed in England a political practice of exercising protection over the Jews in the Orient, which thoroughly warranted the assumption by Jews of the belief that Bible-loving England was fundamentally the power that would second any effort at Jewish restoration. Moreover it is beyond cavil that Lord Shaftesbury, Col. Gawler, Lord Kitchener, Sir Charles Warren, Sir Charles Wilson, Benjamin Disraeli, Col. Conder, Laurence Oliphant and a host of others in different ways and at different times, from the Crimean War to 1912 provoked the issue, or deliberately took the initiative in urging the Jewish resettlement as a practical political measure. Herzl in 1902 was mild and circumspect compared to Earl Shaftesbury in 1875.

Let us not delay . . . to send out the best agents . . . to search the length and breadth of Palestine to survey the land, and if possible to go over every corner of it, drain it, measure it, and, if you will, prepare it for the return of its ancient possessors. . . . I recollect speaking to Lord Aberdeen, when he was Prime Minister, on the subject of the Holy Land: and he said to me, "If the Holy Land should pass out of the hands of the Turks, into whose hands should it fall?" Why, the reply was ready, "Not into the hands of other powers, but let it return into the hands of the Israelites." *

And no Zionist has ventured to say, "Of the modern contribution of the Jewish Palestinian life" what the Chief Surgeon to George V wrote in 1912.†

"The passerby may ask, in the words of the Book of Nehemiah, 'What do these feeble Jews? Will they revive the stones out of the heaps of the rubbish?' And the answer is that among the heaps of rubbish, among the piled-up ruins of long ages, among the wreckage left by war, earthquake and fire, there are some who can still see the glow of light on the

* Palestine Exploration Fund, Quarterly Report, 1875, p. 115.

† *The Land That Is Desolate*, an account of a tour in Palestine by Sir Frederick Treves, Bart., London, 1913, p. 116.

stones that mark the spot where the Ark of the Lord had stood."

It therefore seemed natural enough that Herzl's spiritual personality, impressive stature and simple suggestion of a wise and humane policy on the Jewish question should have met with almost instant response on the part of the British government. The result of negotiations was that on August 14, 1903, the Foreign Office, coöperating with the Colonial Office over which Joseph Chamberlain presided, issued to Herzl and the Zionist Congress, then assembled in Basle, an offer of a grant of land in East Africa. The scheme involved:

The appointment of a Jewish official as the chief of the local administration, and permission to the colony to have a free hand in regard to municipal legislation as to the management of religious and purely domestic matters, such local autonomy being conditional upon the right of his Majesty's government to exercise general control.

East Africa is not Palestine. But the general theory underlying the peculiar Jewish need and the national aspiration involved in any Zionist conception is written plain in this document. If British bureaucracy is bemused, it is not for lack

of information in its departmental files, nor is it due to confusion provoked by changes of attitude on the part of Jews. The Zionists have held steadfast to principle since its formulation in the Basle Program.

As to Palestine and its local conditions, it is only fair to say that British officialdom knew more about Arab social, economic, agricultural and all other problems than the Jews aspiring to settle there. From the first attempt of the American scholar, Robinson,* in 1837-9 to explore the archeological remains in Palestine in the interest of Biblical research, the British have, through the Palestine Exploration Fund, concentrated upon the study of everything however minute that relates to Palestine. Theirs are the surveys, the compilation of flora and fauna, theirs too the enumeration and localization of the Bedouin tribes; theirs the studies in local conditions, the compilation of customs and excise, estimates of population, speculation as to origins of peoples, observations on everything that relates to the area between the River of Egypt and the cedars of Lebanon.

Those prone to speculate upon such matters might detect in the volume of British expert material on Palestine compiled since Lord Pal-

* *Biblical Researches in Palestine*, 3 Vols., 1841.

merston's first consideration, in the forties, of the possibility of exercising a British protectorate over Palestine in the Jewish interest, the slow hatching of a political plot. We for our part repudiate all such suggestions. We merely cite the existence of the great volume of material beginning with Bownring's report on Syria in 1838, the hundreds of reports, documents and British travel books written from that date to the beginning of the World War, as proof to the detached reader of what is patent to us, that the British government had at its disposal, at every stage of its association with Jews in the matter of Palestine, if anything a superabundance of data. The psychological as well as the physical problems of Palestine have been fairly stationary since 1902 when the British Cabinet eagerly considered Herzl's proposals. Nothing has transpired in Palestine since the World War which could not be easily foreseen. The new factors, Arab and Jewish immigration with the attendant economic changes that followed, were part of a policy specifically advanced by the British government, and even the Arab protests to Jewish claims, as we shall presently make clear, were all part of the conscious knowledge of statesmen who advocated the creation of the Jewish National Home and the obtaining for England of

the Mandate for Palestine, on the express condition that it should be her duty to facilitate the establishment and development of that Home.

But we resume our narrative. In 1905 the British East African offer was rejected by the Zionists. After Theodor Herzl's death, a period of non-political effort, of patient colonization effort, followed. The Zionists changed not an iota of their aspirations which could not be realized in organized fashion in view of the seeming incapacity of the then Ottoman Government for a proper comprehension of Zionist plans and for stability of dealing with the leaders of the movement. The Zionists therefore promoted agricultural settlements and the use of Hebrew as a living language. Government reports noted the increase of Jewish population, the development of vineyards and orange groves and the restrictions practiced by the Turkish government, thus emphasizing the inwardness of the movement and the gradual changes in conditions in Palestine. Yildiz Kiosk for international political reasons was resisting the Jewish advance. Coming under the pressure of the German *Drang nach Osten*, it dreaded most that alienation of German military support which alone could maintain the Ottoman Empire as against ever-threatening Russian advance. In the fear, finally, of the Rus-

sian political machination whereby every Russian Jew, however persecuted at home, was yet claimed in Palestine as a Russian subject, it issued "red passports" to Jews which limited their stay in the country, and employing many other methods to hamper Jewish effort.

When Abdul Hamid was dethroned the Young Turk Party deliberately announced in 1909 that they closed the doors on Zionist political aspirations in Palestine. The new leaders sought to Mohammedanize all the peoples in the Turkish Empire and would not welcome more Jews. This clash reveals both the steadfastness of the Jewish effort and the means available even to the most stupid bureaucrat of ascertaining the Jewish attitude. If there has been sinning—it has been sinning in the light.

Zionist fortunes were at a low ebb at the outbreak of the war.* To save what had been created in Palestine was the leading thought of those sanguine spirits hoping for better times. The world Zionist organization in the fall of 1914 naturally fell asunder, redividing its various associations into their original national groupings. The central office was in Berlin—the least numerically significant group of Zionist was in England. It was only in America, that by virtue

* For fuller details see *Louis D. Brandeis* by Jacob de Haas, pp. 56-98.

of oceanic separation as well as political neutrality, careful consideration could be given to what might be the aftermath of the war. But all such contemplation of the future was for a time rudely disturbed not only by pressing Jewish distress in the war lands but by the fact that the war alliances ran counter to every conceivable emotion stirring among Jews.

To side with England was natural enough to the overwhelming majority, but by siding with England to support Russia, whose every advance spelled devastation and horror to the Jews, seemed impossible. The Germans took ample advantage of this political misalliance both in Poland and in the United States. Without promise or specific prospect, but with an abiding faith in English honor, English justice and the inherent British pro-Jewish interest in Palestine, the attempt was made by lovers of England to win Jewish support for British arms and the Allied cause. Those who aroused this pro-Jewish sentiment including the authors acted under a moral urge. They vigorously pressed upon their fellow Jews what they regarded, in the circumstances, as right-mindedness. The British Cabinet, as post war documents make abundantly clear, regarded Jewish support of the allies as of great importance. Before, therefore, any Zionist approach

was made to the British Government, partly on their own volition, partly instigated by non-Zionist English Jews who sought to rally support for their country, the leaders gave Zionists careful consideration to the method of winning Jewish aid.



PALESTINE AND WAR POLICIES

WE UNDERSCORE the fact that the first formal presentation of the Zionist case to the British Government was made in October, 1916, and that the consecutive *pourparlers* that led to the Balfour Declaration began February 2, 1917. The British Government in its clear understanding of the Jewish interest in the creation of the Jewish Homeland in Palestine anticipated the Zionists. Lord Asquith in his "Memoirs" relates that in December, 1914, Sir Herbert Samuel suggested to him what the Premier regarded as a wild project for Palestine.

The next two important British steps are reported in the documents which the Soviet Government has published. Therein appears both the British view of the need of Jewish support together with the British official understanding of what kind of a promise regarding Palestine would arouse the Jews. This is not an argument between Jews and British statesmen but a cold blooded

political discussion between the British Cabinet and the existing Russian Government.

In "A Memorandum * of the British Embassy in Petrograd to the Minister for Foreign Affairs, S. D. Sazonoff," dated March 13, 1916 and found in the archives of the Russian Foreign Office, we read:

" 'A Telegram' has been received from Sir Edward Grey, to the effect that the question of settling Jews in Palestine has been brought to the notice of His Majesty's Government. Although, as is known, many Jews are rather indifferent to the Zionist idea, a very great and most influential part of Jewry in all countries would greatly appreciate the proposal of an agreement relating to Palestine, which would satisfy the aspirations of the Jews.

" 'If the above view is correct, it is clear that by utilizing the Zionist idea, important political results could be achieved. One of the results would be the conversion of the Jewish elements in the East, the United States of America, and other places to the use of the Allies; elements whose attitude is at present rather antagonistic to the Allies.'

"The British Government, as is known, put

* *Zionism*, Leonard Stein, pp. 138-140.

the question before representative Jews of the various sections of English Jewry, asking for their opinion on the question. The Memorandum quotes one of the very moderate replies received from Dr. Lucien Wolf.

" 'If, as a result of the War, Palestine will come into the sphere of the interests of France and Great Britain, the French and British Governments will not fail to take into consideration the historic interests of Jewry in that country. Both Governments will secure for the Jewish population equal political, civil and religious rights with the other inhabitants, municipal rights in the colonies and towns which may appear necessary, as well as reasonable facilities for colonization and immigration.

" 'The only aim of His Majesty's Government is to find some agreement which would prove an inducement to the majority of Jews and would facilitate the conclusion of an agreement to secure Jewish support. Having this view in consideration, His Majesty's Government is of the opinion that a project which would grant the Jews,—when the colonists in Palestine have attained a position which will enable them to rival the Arabs in strength,—the administration of their own internal affairs

in that country (with the exception of Jerusalem and the Holy Places),—such an agreement would be a greater inducement for the majority of Jews. His Majesty's Government does not wish to give any preference to any one form of the solutions of this problem. It is well aware, however, that an international Protectorate would meet the opposition on the part of influential Jewish sections.

“ ‘In telegraphically communicating the above, Sir Edward Grey instructs Sir George Buchanan to request the Russian Government to give the question their immediate serious consideration and to ask them to communicate their point of view.’ ”

We will not further labor the fact that the War Cabinet, actuated by high British needs were, however, acting with great circumspection. They no doubt knew then, of the existence of preliminary drafts of the Sykes-Picot Treaty, which agreed to a division of the Near East in accordance with the imperialistic pretensions of the Allied Powers. Nevertheless, in April, 1917, the British War Department issued the following statement on the War aims in the Near East:

“It is proposed that the following be adopted as the heads of a scheme for a Jewish re-settle-

ment of Palestine in accordance with Jewish National Aspiration:

1. *Basis of Settlement*

Recognition of Palestine as the Jewish National Home.

2. *Status of Jewish Population in Palestine Generally*

The Jewish population present and future throughout Palestine is to possess and enjoy full national, political and civic rights.

3. *Immigration into Palestine*

The Suzerain Government shall grant full and free rights of immigration into Palestine to Jews of all countries.

4. *The Establishment of a Chartered Company*

The Suzerain Government shall grant a Charter to a Jewish Company for the colonization and development of Palestine, the Company to have power to acquire and take over any concessions for works of a public character, which may have been or may hereafter be granted by the Suzerain Government and the rights of preëmption of Crown lands or other lands not held in

private or religious ownership and such other powers and privileges as are usual in Charters or Statutes of similar colonizing bodies.

5. *Communal Autonomy*

Full autonomy is to be enjoyed by Jewish communities throughout Palestine in all matters bearing upon their education, religious or communal welfare."

These detailed statements each word of which at this juncture is well worth pondering over, were simultaneously reduced by the Allied War propagandists to five succinct sentences, so all who run might read what England proposed.

"Palestine is to be recognized as the Jewish National Home. Jews of all countries to be accorded full liberty of immigration. Jews to enjoy full national, political and civic rights according to their place of residence in Palestine.

"A Charter to be granted to a Jewish Company for the developments of Palestine.

"The Hebrew language to be recognized as the official language of the Jewish province."

The foregoing was the public bait British officialdom dangled before Jewish eyes. Simul-

taneously the Allied Powers were pursuing three policies in the Near East. The pro-Arab MacMahon arrangement which according to all authorities excluded Palestine; the division of the Syrian littoral between France and England and the establishment in the Southern area, wherein Great Britain was to exercise suzerainty, of the Jewish National Home. There could be no doubt that the question of Palestine as the Jewish Homeland and as Holy land to three faiths was receiving meticulous consideration. This was so in part because the War had come to revolve around the question of the rights of all the lesser nationalities of Europe. In English and American political circles particularly, both Armenia and Palestine were grouped with Poland, Serbia and Belgium as lands of which the rightful peoples were, wholly or in part, long dispossessed. Their reconstitution became central to the war aims of the Allied Powers.

Therefore a detailed record of the progress of events that culminated in the issuance of the Balfour Declaration on November 2, 1917 is of vast importance. Their mere itemization cannot fail to impress the impartial reader with the truth that despite the exigencies of war the British Cabinet proceeded with great care. England in every respect was preparing, in the language of

the "Research Committee of the Geneva Office, League of Nations Association," to issue a "tremendous, though carefully guarded statement" epitomizing "in one sentence long deferred hopes among one people and the impassioned fears of another."

On May 24, 1917 the London *Times* published an impressive protest on behalf of Conjoint Foreign Committee of the Board of Deputies of British Jews and the Anglo-Jewish Association. These anti-Zionists set forth all their objections to the Zionist theory and particularly to the Chartered Company project suggested in the war aims statement. This protest was further supported by a galaxy of names, great in Anglo-Jewry on May 29, 1917, yet on June 4, 1917 the French Government, through M. Cambon formally committed itself to:

The renaissance of the Jewish nationality in that Land from which the people of Israel were exiled so many centuries ago.

The French government, which entered this present war to defend a people wrongfully attacked . . . can but feel sympathy for your cause, the triumph of which is bound up with that of the Allies.

By that date, at the suggestion of the British

authorities Mr. Sokolow had conferred with the Vatican on the Holy Places, and with the Italian Prime Minister and each achievement was cabled to Zionist Organizations over British controlled cables, and delivered by British War Office officials.

In April 1917, the United States entered the war and upon the occasion of the visit to the United States of Arthur James Balfour, the Zionist program was discussed with President Wilson who as early as 1911 and repeatedly thereafter had made known his profound interest in the Zionist idea. The field of international discussion was accordingly widened and all the drafts of the proposed declaration were submitted for approval to the White House.

So far we have traced the independent acts of the British Government. A brief sketch of the Zionist effort towards the culmination is in place. Until well into 1915, the Zionists in England were content to make propaganda for the cause, which as we have seen naturally linked with British victory. At the end of 1915 a group was organized in London to sketch a program, that should serve as a foundation for the official representations which were then in view.

In October 1916, the English Zionist leaders submitted to the British government a formal

"program for a new administration of Palestine and for a Jewish resettlement of Palestine in accordance with the aspirations of the Zionist Movement." This program included the "recognition of a separate Jewish nationality or national unit in Palestine" and "the establishment of a Jewish chartered company."

"The 7th of February 1917 constitutes a turning-point in history. . . . Sir Mark Sykes, Bart M.P., had communicated with Dr. Weizmann and the author on the question of the treatment of the Zionist problem," writes Mr. Sokolow.* Sir Mark, in conjunction with a representative of the French Government, M. Georges Picot—the joint authors of the famous Sykes-Picot agreement of May 1916,—conferred with Dr. Moses Gaster and on February 7th, in Dr. Gaster's home in London, the first round table conference between these two officials and a group of Zionists which included Sir Herbert Samuel took place.

The full minutes of this and subsequent sessions were transmitted to the American Zionist Organization by officials of the British War Office. Britain was not romantically undertaking to reward the discoverer of a formula of acetone, in accordance with his heart's desire, by giving

* *Zionism*, Vol. II, p. 52.

him or his people, Palestine. Practical issues were uppermost in all men's thoughts. The memorandum presented by the Zionists just prior to the discussion of the final stages of the negotiations urged that after three years of discussion:

The problem be considered in the light of imperial interests and the principles for which the Entente stands. . . . We therefore now humbly pray that this declaration may be granted to us and this would enable us to further consolidate Jewish public opinion in the Entente countries to counteract all the demoralizing influence which the enemy press is endeavoring to exercise by holding out vague promises to the Jews and finally to make the necessary preparations for the constructive work which would have to begin as soon as Palestine is liberated.

July 18, 1917, Lord Rothschild submitted a draft text which became the basis of the Declaration. The anti-Zionists stormed against it because of the use of the words "National Home for the Jewish People." It is thus abundantly clear as Lloyd George, the great war Premier, said at Cowbridge, England, October 24, 1930:

"In War time we were anxious to secure the good will of the Jewish community through-

out the world for the Allied cause. The Balfour Declaration was a gesture not merely on our part but on the part of the Allies to secure that valuable support. It was prepared after much consideration, not merely of its policy, but of the actual wording, by the representatives of all the Allied and associated countries including America, and of our dominion premiers."

The final draft of what became known as the Balfour Declaration was amended by the authors of this book. After consultation with Justice Brandeis it was submitted to Colonel House who transmitted this version to President Wilson upon whose agreement and express authority the final text was issued by the British War Cabinet:

"Foreign Office,
November 2, 1917.

"Dear Lord Rothschild,

"I have much pleasure in conveying to you on behalf of His Majesty's Government the following declaration of sympathy with Jewish Zionist aspirations, which has been submitted to and approved by the Cabinet:

" 'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use

their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.'

"I should be grateful if you would bring this Declaration to the knowledge of the Zionist Federation.

"Yours sincerely,
(signed) Arthur James Balfour."

A Public Covenant openly arrived at. The formula, by which Theodor Herzl's "Jewish State" sought public recognition of Jewish rights, had been achieved and the British cabinet had carefully and thoughtfully, despite the powerful anti-Zionists in London and elsewhere, stated in its preamble that it was a "*declaration of sympathy with Jewish Zionist Aspirations*." Both the letter and the spirit were thus apparently fulfilled.

Temperley * reviewing the issue of the Declaration says: "Support of Zionist ambitions, in-

* *A History of the Peace Conference of Paris*, edited by H. W. V. Temperley. Published under the auspices of the British Institute of International Affairs, Vol. VI (1920), p. 171-3.

deed, promised much for the allies. . . . That it is in purpose a definite contract with Jewry is beyond question. . . . Before the British Government gave the Declaration to the world it had been closely examined in all its bearings and implications, weighed word by word and subjected to repeated change and amendment."

So much for the origin of a text that spelled new hope for harassed Israel. France approved it February 9, 1918 and by December 1918 Japan joined with the other principal Allied Powers in supporting the Declaration. In the United States on August 31, 1918, President Wilson allowed publicity to be given to a letter written by him to one of the authors, Rabbi Stephen S. Wise, then President of the American Zionist Organization, in which he welcomed:

"The progress made by the Zionist movement in the United States and in the Allied countries since the Declaration by Mr. Balfour on behalf of the British Government of Great Britain's approval of the establishment in Palestine of a national home for the Jewish people."

At that date and for long after there was no public knowledge of the MacMahon-Hussein correspondence. The Balfour Declaration was a

public pact. The Allies took care to broadcast it. The Germans published it and the German Wireless issued it in Jerusalem before the capture of the city by Allenby in January 1918. Temperley * states that when the Declaration was communicated to Hussein in January 1918 "he took it philosophically, contenting himself with an expression of good-will towards a kindred Semitic race which he understood (as his phrase made clear) was to lodge in a house owned by Arabs."

* *Ibid.*, Vol. V, p. 132.



ENGLAND'S ORIGINAL INTERPRETATION

THE form of the betrayal which has aroused the storm of protests is that the Labor Government, in order to justify its new administrative measures, has inverted the Balfour Declaration, quoting the subordinate clause (see page 39) "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities" as the basic purpose of the Declaration and the Mandate that followed. We might well argue, and we are certain that lawyers can be found who spreading the eye in a needle to the circumference of the globe, would maintain that the Declaration hangs on its final hinge "nothing shall be done which may prejudice . . . the rights and political status enjoyed by Jews in any other country." We protest against such pettifogging and we refrain from its employment. If great moral rights hang on nothing firmer than on inverted interpretation, then

we are sure there is no security in any Bill of Rights.

Lawyers assure us, and it seems the essence of common sense, that where there is doubt as to the meaning of the terms of a contract, an examination of the state of mind of the parties, at the time of signing the agreement, is forcible and pregnant evidence. We turn back therefore to the fundamental problem. How did British statesmen view this Declaration when they issued it in 1917? How did the British press understand it? *The Spectator* said: "A large and thriving Jewish settlement in the Holy Land . . . would make for peace and progress in the Near East, and would thus accord with British policy." *The Nation* (London) agreed that "Mr. Balfour's declaration translates into a binding statement of policy the general wish of British opinion." Not a word in hundreds of papers of the reservation upon which the Labor Government now rests its case.

Were the British so bemused that no thought was given to the Arabs? At a mass meeting held in London on December 2, 1917, Lord Robert Cecil said, "Our wish is that Arabian countries shall be for the Arabs, Armenia for the Armenians, and Judea for the Jews." Sir Mark Sykes, the original British negotiator, well informed on

every detail said: "For Palestine to be a success you must have a satisfied and tranquil Syria. For liberty to be certain in Palestine, you must have guarantees that no savage races shall return there . . . You want to know the Arab is free, because he is, and always will be your neighbour."

The Right Hon. Arthur Henderson, M.P., a member of the present Labor Government sent a careful message to this London mass meeting in which he declared on behalf of Labor:

"It trusts that an understanding may be reached at the close of the war, whereby Palestine may be set free and form a state under an International Agreement, to which Jewish people may return and work out their own salvation without interference by those of alien race or religion."

Herbert Sidebotham, who was Lloyd George's spokesman during the war, says:

"There can be no doubt that when the promise was made what was in mind as the ultimate ideal was the establishment of a Jewish State in Palestine. That is evident from the caveat attached to the promise that nothing should be done that may prejudice the political status of Jews in other countries . . . that the ideal of statehood was the inspiration of

the promise there is no doubt. Lord Balfour, I feel sure, must have meant that, and I know that Mr. Lloyd George was Prime Minister at the time and was as keen a friend to Jewish aspirations as any one."

But what of the Arabs and their rights? Let us leave the hilarious celebration of the Declaration meetings and turn for answer to Arthur James Balfour. Surely he knew what was intended by every word of the Declaration which bears his signature. The war was over, the Peace Conference had approved his whole policy. On July 12, 1920, at the Royal Albert Hall in London, at a public demonstration to celebrate the grant of the Mandate for Palestine upon Great Britain and the incorporation of the Balfour Declaration in the Treaty of Peace with Turkey, Mr. Balfour said:

" . . . So far as the Arabs are concerned,— a great, an interesting, and an attractive race—I hope they will remember that while this assembly and all Jews that it represents through the world desire under the aegis of Great Britain to establish this home for the Jewish people, the Great Powers, and among all the Great Powers most especially Great Britain, has freed them, the Arab race, from

the tyranny of their brutal conqueror, who had kept them under his heel for these many centuries. I hope they will remember it is we who have established the independent Arab sovereignty of the Hedjaz. I hope they will remember that it is we who desire in Mesopotamia to prepare the way for the future of a self-governing, autonomous Arab State, and I hope that, remembering all that, they will not *grudge that small niche*—for it is no more geographically, whatever it may be historically—*that small niche in what are now Arab territories being given to the people* who for all these hundreds of years have been separated from it—but surely have a title to develop on their own lines in the land of their forefathers, which ought to appeal to the sympathy of the Arab people as it, I am convinced, appeals to the great mass of my own Christian fellow-countrymen.”

Not a thought here of creating an Arab state on the shoulders of the Jews.

We shall return to this address delivered by the English statesman who professed freely that he was a Zionist, in order to consider a document prepared by the British Cabinet and solemnly read to the people of Palestine, July 7, 1920 by Sir Herbert Samuel when he took office in Jeru-

salem as the first High Commissioner of Palestine. There is before us a picturesque account of Sir Herbert rising amid a tense standing assembly; of his begging all to be seated while he read in English, followed by solemn translations in Hebrew and in Arabic—

The King's Message

"To the people of Palestine.

"The Allied Powers whose arms were victorious in the late war have entrusted to my country a Mandate to watch over the interests of Palestine and to ensure to your country that peaceful and prosperous development which has so long been denied to you.

"I recall with pride the large part played by my troops under the command of Field Marshal Lord Allenby in freeing your country from Turkish rule, and I shall indeed rejoice if I and my people can also be the instruments for bringing within your reach the blessings of a wise and liberal administration.

"I desire to assure you of the absolute impartiality with which the duties of the Mandatory Power will be carried out and of the determination of my Government to respect the rights of every race and every creed represented among you, both in the period which

has still to elapse before the terms of the Mandate can be finally approved by the League of Nations and in the future when the Mandate has become an accomplished fact.

"You are well aware that the Allied and Associated Powers have decided that measures shall be adopted to secure the gradual establishment in Palestine of a National Home for the Jewish people. These measures will not in any way affect the civil or religious rights or diminish the prosperity of the general population of Palestine.

"The High Commissioner, whom I have appointed to carry out these principles will, I am confident, do so whole-heartedly and effectively, and will endeavor to promote in every possible way the welfare and unity of all classes and sections among you.

"I realise profoundly the solemnity of the trust involved in the government of a country which is sacred alike to Christian, Mohammedan, and Jew, and I shall watch with deep interest and warm sympathy the future progress and development of a State whose history has been of such tremendous import to the world."

So spake King George V., to the assembled nota-

bles of Palestine. We commend his words to the Secretary of State for the Colonies, and to the bewildered Premier.

For a few moments we put the clock forward two more years and turn to J. Ramsay MacDonald, then a free lance political leader of the labor group. In July 1922 he visited Palestine and wrote:

"The Arab population do not and cannot use or develop the resources of Palestine. This is not disputed by any one who knows the country. The total population of Palestine to-day, Sir George Adam Smith has pointed out, is less than was that of Galilee in the time of Christ. Official reports state that 'the country is now undeveloped and under-populated', . . . 'largely cultivable areas are left untilled' . . . of the twelve thousand square miles fit for cultivation less than four thousand are cultivated. . . . What is cultivated is badly worked. 'The area of land now cultivated could yield a far greater product'; . . . 'there are no forests'; the Jordan and Yarmuk offer an abundance of water power, but it is unused. Already Jewish immigration is changing that. To the older Jewish settlements and agricultural schools are owing, to a great extent, both the Jaffa orange trade and the cul-

ture of vines; to the newer, agricultural machinery, afforestation, the beginnings of scientific manuring, the development of schemes of irrigation and of agricultural co-operation. Palestine not only offers room for hundreds of thousands of Jews, it loudly cries out for more labour and more skill."



THE PEACE CONFERENCE

WE RESUME the chronological record. The war with its holocaust of humanity and its sacrifice of idealism upon the altar of patriotic propaganda ended. Then Armistice day and the Peace Conference. How stood the promise to the Jews, what turn and twist did it suffer at the hands of the players of statecraft? The Jews knew of no adverse change. If anything some clarity had been achieved. The understanding of the Zionists at this critical juncture as to the intent and purpose of the British policy is abundantly clear. Dr. Wise being in London and in consultation with British officials, the American Jewish Congress which assembled in Philadelphia in December, 1918 adopted resolutions to the end:

That there be established such political administrative and economic conditions in Palestine as will assure under the trusteeship of Great Britain, acting on behalf of the League of Nations as may be formed, the development of Palestine into a Jewish Commonwealth, it

being clearly understood that nothing shall be done which shall prejudice the civil and religious rights, . . .

This interpretation of Jewish National Home into *Jewish Commonwealth* was cabled by Dr. Wise to his associates in New York at the suggestion of British Officials. The phrase re-appears in a series of interesting documents. In January 1919 there was with government aid prepared in London a "Memorandum of the Zionist Organization Relating to the Reconstitution of Palestine as the Jewish National Home." The inclusiveness of this phrase is not accidental. The document starts off with the statement that the Balfour Declaration "sought to reach the root of the Jewish problem in the only way it can be reached—by providing the Jewish people with a country and a home." It urged that the Peace Conference, for which this memorandum was prepared, should declare that "Palestine is the home of the Jews" and repeating in substance the American resolution,

The Peace Conference is asked to indicate that such measures—political, administrative and economic—shall be taken as will assure the development of *Palestine into a Jewish Commonwealth*.

The italics are in the original which adds: "The conditions making for an immediate Jewish commonwealth do not exist in Palestine today."

Owing to a difference of opinion as to details in the suggested constitution for Palestine a second draft was prepared the same month. Then a third draft was made from both and the last was discussed in detail at a session held in the Hotel Meurice, in Paris, in which Dr. Chaim Weizmann, Mr. N. Sokolow, Bernard Flexner and Jacob de Haas participated, Sir Herbert Samuel presiding and acting unofficially for the British government. This "statement of the Zionist Organization regarding Palestine" is dated third day of February nineteen hundred and nineteen, and was formally presented February 27th to the Supreme Council wherein the "proposals to the Peace Conference" were thus summarized:

Palestine shall be placed under such political administrative and economic conditions as will secure the establishment there of the Jewish National Home and ultimately render possible the creation of an autonomous commonwealth, it being clearly understood . . .

This document drawn up with the advice of Sir Herbert Samuel, in consultation with British officials outlined in detail the administrative proc-

esses that were then soberly envisaged in the creation of the Jewish National Home. There was to be "a Jewish Council for Palestine" to be elected by "a Jewish Congress representative of the Jews of Palestine and of the world" to "co-operate and consult with and to assist the Government of Palestine in any and all matters affecting the Jewish people in Palestine and in all cases to be and act as the representative of the Jewish people."

All to the end that "the Jews . . . take an honorable place in the new community of Nations. It is their purpose to establish in Palestine a government dedicated to social and national justice. . . ." There is no ambiguity here.

Had the Arabs been forgotten? On January 5, 1919 in London, Prince Feisal acting for his father King Hussein signed an agreement with Dr. Chaim Weizmann in which he expressly acknowledged the separation of Palestine from the Arab states, though he was anxious that the Jewish Homeland should coöperate with his proposed Pan-Arab union of states.

The Anglo-Asian adventurer and mystery monger Colonel T. E. Lawrence was present. The meeting was brought about by British officials. In Paris Prince Feisal wrote the following letter:

"Delegation Hedjazienne

Paris, March 3, 1919.

"Dear Mr. Frankfurter:

"I want to take this opportunity of my first contact with American Zionists to tell you what I have often been able to say to Dr. Weizmann in Arabia and Europe. We feel that the Arabs and Jews are cousins in race, having suffered similar oppressions at the hands of powers stronger than themselves, and by a happy coincidence have been able to take the first step towards the attainment of their national ideals together. We Arabs, especially the educated among us, look with the deepest sympathy on the Zionist movement. Our deputation here in Paris is fully acquainted with the proposals submitted yesterday by the Zionist Organisation to the Peace Conference and we regard them as moderate and proper. We will do our best insofar as we are concerned to help them through. We will wish the Jews a most hearty welcome home. With the chiefs of your movement, especially with Dr. Weizmann, we have had, and continue to have the closest relations. He has been a great helper of our cause and I hope the Arabs may soon be in a position to make the Jews some return for

their kindness. We are working together for a reformed and revived Near East, and our two movements complete one another. The Jewish movement is national and not imperialist; our movement is national and not imperialist, and there is room in Syria for us both. Indeed, I think that neither can be a real success without the other.

"People less informed and less responsible than our leaders and yours, ignoring the need for co-operation of the Arabs and Zionists, have been trying to exploit the local difficulties that must necessarily arise in Palestine in the early stages of our movement. Some of them have, I am afraid, misrepresented your aims to the Arab peasantry and our aims to the Jewish peasantry with the result that interested parties have been able to make capital out of what they call our differences. I wish to give you my firm conviction that these differences are not on questions of principle but on matters of detail, such as must inevitably occur in every contact of neighbouring peoples and as are easily adjusted by mutual goodwill. Indeed, nearly all of them will disappear with fuller knowledge. I look forward, and my people with me look forward, to a future in which we will help you and you will help us

so that the countries in which we are mutually interested may once again take their places in the community of civilised people of the world.

“Believe me, Yours sincerely,
(signed) Feisal.”

It has, we hope been made abundantly clear that what England proposed to do for the Jews and what the Zionists sought at the hands of Great Britain and the Allied Powers, was not to create certain minority rights for the Jews in Palestine. Nor had the Zionists sought permission to establish some vague Jewish spiritual center in Jerusalem. Nor had they confined their requests to a restricted and limited immigration. Such requests would not have justified the appearance of representatives of the Zionist movement before the Supreme Council of the Peace Conference. There was so much more on foot, that one French Jew, Sylvan Levy, offered his protest against it, before the assembled representatives of the Powers.

The Jews had no official status at the Peace Conference. The late Secretary of State Robert Lansing devoted himself therefore to the details of the Zionist hearing with great deliberation, because the Powers, by their previous formal ad-

herence to the Balfour Declaration, were anxious amid the formality that attached to the Peace Conference sessions, to make clear that they were about to do a new thing for the Jewish people.

To restrict Jews as immigrants; to limit their right of purchasing or owning land; to ring fence them in a percentage norm, is not a new experience for Jews. The sanction of the Peace Conference was not necessary to provide the British Government with the authority so to act. Nor if the concept of either the Jews or the Powers had been that of permitting sufficient Jews to settle in Palestine to make a nucleus around a "spiritual center" would the assent of the Peace Conference have been in point. There are at this time according to cultural predilections, "spiritual centers" of the Jews or of Judaism in Wilna, Voloyshin, Breslau, Pressburg, Berlin, Frankfurt, London, New York and Cincinnati. We will add that Jerusalem prior to the war was also a spiritual center though of a type different from all the others.

Obviously the political Zionist movement was not founded to establish another such center, or a concentration of a number of these in Palestine for the spread of some particular phase of Jewish idealism. Obviously two hundred thousand Jews would not have bound themselves to-

gether to influence governments in order to establish—to express the idea in concrete terms—a series of garden cities around a Hebrew University. That aspect of Zionism, which has its place in the general scheme of things, needed neither the Balfour Declaration nor the assent of the Powers, nor the petition to the Peace Conference, nor the presence of Great Britain in Palestine as the Mandatory entrusted with the task of fostering and developing the Jewish National Home. Titus agreed to it in 70 C. E., Babylon had it for centuries. So did Cordova and Worms. Concord, Massachusetts, America's one time "spiritual center" was not legalized by international law.

The Turks raised no objection to the form in which that spiritual center existed in Palestine; the Arabs would no doubt have ignored it. Yet the problem of the Jewish National Home as presented at the Peace Conference was so closely bound up with considerations of the rights of the Arabs, that Sir Mark Sykes, who was in Syria at the end of the War, hurried to Paris in February, 1919, to report to his chiefs on the political conditions in Palestine and Syria. We quote from his biography:

He had motored to Jaffa to meet the Zionist

delegation. He has visited Nazareth and Tiberias on the way to Damascus. He has seen the Emir Feisal before his departure to London. At Hama, a great reception met him . . . he saluted the Arab flag . . . designed by Mark, himself. At Aleppo he drafted a reform scheme . . . and left for Adama, whence he returned with his old ally Picot. . . . His last speech was made at the Arab Club in Aleppo on January 15. . . . Before he left Damascus, he induced the Arabs and Zionists to meet and discuss their future.

Sykes arrived in Paris February 1, 1919, "in the midst of the gigantic Conference-intrigue." We know from the minutes of Sykes' conference with the Arabs and Zionists in Damascus what he must have reported in Paris. Mr. E. W. Lewin-Epstein, former Treasurer of the American Zionist Provisional Committee, and member at the time of the Zionist Commission in Jerusalem, was present at the Damascus session. His notes, written in Hebrew, show that the Arabs did protest against the obvious political implications of the Jewish National Home. The Arabs made the same claims and the same threats that the Grand Mufti made in 1929 and again in 1930. The Zionists presented their historic rights and the promises of the Powers. The upshot was that

Sir Mark Sykes bluntly told the Arabs to stop complaining and satisfy themselves with what the flag represented:

Black fez for the Abbasids of Bagdad, white for the Omyyads of Damascus, green for the Alids of Herbela, and red chevron for Mudhar, heredity.*

Sykes had written Sept. 2, 1918 to the Premier Lloyd George of "our Arab, Syrian and Palestinian Policy" of "Arab officers, Zionist Agents, and Syrian colonies." Sykes according to his biographer was in grave doubts at the end, as to the wisdom of his Zionist adventure. The reaffirmation of the Jewish National Home by the Peace Conference was made upon full knowledge of the facts. Notwithstanding, a certain measure of retreat was provided for the Conference decisions by President Wilson. Acting under misapprehensions, the malignly anti-Zionist aim of which he was too honest to discern, President Wilson was led to send the King-Crane commission of inquiry to Syria and Palestine. The work of this commission proved abortive as soon as President Wilson understood the spirit of partisanship in which the commission had moved. That

* *Mark Sykes: His Life and Letters* by Shane Leslie, New York, 1923, pp. 200-1.

the report of this American Commission was not published at the time, alters in no way what we have constructively proved by documentary evidence—that the political issue involved in the creation of the Jewish National Home was a known factor to all the plenipotentiaries who voted for it in Paris in 1919.

We urge, therefore, that the breach planned by the Passfield White Paper is not merely an infraction of the Mandatory towards the Jews, but that it is a violation of an agreement with all the powers, including the United States, which participated in the Peace Conference and deliberately voted in 1919 for the creation in Palestine of the Jewish National Home. We shall gauge the full measure of the breach, but we insist that, if the comparison between promise and performance proves our contention, then the verdict of the public conscience is as important as the formal decision of some court that may have jurisdiction in the cause.

We distinguish, here, as we shall throughout, between acts of government and the will of peoples. Also, we draw a distinction between Jewish rights and Arab claims. Whether the Palestinian population in 1914 possessed any tangible political rights it is for those versed in Turkish law to say. In practice, we know that such rights did

not exist, even though the Young Turks had created a paper Parliament.

Djemal Pasha ruled in Palestine with an iron hand, as every Turk had done before him though he too may have indulged the people in paper rights. The term *Political rights* does not appear in the Balfour Declaration. The phrase used is *civil rights* and as we have made abundantly clear every word of that document was weighed by more than a score of authorities.

Even the Report of the Commission on the Palestine Disturbances of August, 1929, which is fundamental to the Passfield White Paper and the Hope-Simpson report, is vague on Arab rights at the beginning of the war. In this report we read: (page 9)

The first few years of the present century were a period of disturbances in Turkish politics culminating in the revolution of 1908 and the grant of the Constitution of that year. These events were not without their repercussion in Palestine, as is shown by the following passage quoted from a report which the Committee on Local Government in Palestine made to the High Commissioner on the 2nd of June, 1924:

"The Ottoman Constitution of 1908 had

awakened new hopes among the subject races of the Empire. In various provinces, and in Syria and Palestine in particular, a widespread movement took place in favour of decentralisation which had in 1912 assumed such proportions as to threaten to become a dangerous separatist movement. The Turkish Government thought it wise to pass the Provisional Vilayet Law, which was received with peculiar satisfaction and pride. To the people of Syria and Palestine it came, not as a favour granted by a benevolent Government, but rather as a just recognition of their rights and aspirations; and we think that, in considering the Turkish system of 1913, due attention should be paid to the circumstances which brought about its establishment as well as to the satisfaction with which it was received."

The Provisional Vilayet Law, to which reference is made in the passage quoted above, was modified by a further Ottoman Law of the 16th of April, 1914 and the effect of the legislation as amended, was to confer on the provinces of the Ottoman Empire powers of local government involving real autonomy.

The Arab case, apart from the rights that

inhere from living in a country, rests upon a secret correspondence between a British general in command in Egypt and an Arabian Emir, who exercised at the time no political or civil authority in Palestine. We, who urge Jewish rights, would welcome the publication of these agreements. But, we repeat, our Zionist claim in Palestine rests upon no private understandings or secret arrangements, but on public acts, not only of Great Britain, but of the Peace Conference and subsequently of the League of Nations. The good faith of half of mankind is involved in the justice we seek at the hands of the people of the British Empire, and of the nations which in one form of association or another fought beside her in the World War and helped to make the Peace.

The Zionists confess to this day that they are novices in diplomacy. They still have abundant respect for the *word*. New York Jewry still meditates at times, over a promise extracted by Peter Stuyvesant from the Jewish refugees who landed in 1655 and promised to take care of their own poor. That pledge is the whip that raises voluntary millions for charity, which might otherwise be legally paid out of the public exchequer. The Zionists assumed in the summer of 1919 that Britain's word was law to British

officialdom. The contrary, however, was the fact. General Allenby was naturally a member of the military party that scorned all the fine declamations of civil statesmen, however high their authority and rank. Palestine was "Occupied Enemy Territory Administration" and under military occupation. The wreckage of war was still visible. Allenby simply ignored the Balfour Declaration. General Money, who was in direct control of Palestine, took his cue from his superior officer. His own subordinates were responsive. They objected to the partition of Syria and the creation of three entities—Palestine, Syria and Trans-Jordan. They feared Haifa was under the guns of Beyrout, so they objected to the French in the North and they calmly ignored the Jews in Palestine.

A civil agent of the military Government, a gentleman named Gabriel, busied himself in promoting British commercial interests. His circulars betrayed in culpable language the belief that Palestine was part of the British Empire. Commercial contracts were given British officers seeking advantageous retirement from military life. The American, British and Palestinian Jewish legionaries who had voluntarily enlisted in the British Army for the capture of Palestine, were

treated with contempt. Plenty of portents of storm.

Military occupation explained all. The facts were firmly but accurately presented in Paris in August. In a personal conference with Justice Brandeis, Mr. Balfour explained the circumambulations of bureaucracy, but he ordered, and there was sent to Palestine to Allenby and his subordinates, an official message from the British Foreign office, declaring that the Jewish National Home Policy was *chose jugée*.

We invite the present British Government to exhume that document of August, 1919, from the archives of the Foreign Office. It professed to close an issue which is now all doubt and confusion.

Military control! The civil administration would change everything. The Zionists trusted and labored. In May, 1920, to the amazement of the Palestinian Jews and the Zionists throughout the world, riots broke out in Jaffa and Jerusalem. The Jews were thunderstruck. Allegations flew freely. Charges were made that the Military Governor of Jerusalem was implicated. But a strict check was exerted on all Zionists. The National Home was imperiled in other directions. At the London Zionist Conference of July, 1920, Dr.

Weizmann reported publicly on the adverse conduct of the military authorities.

"What was thought of Zionism in London was ignored willingly or unwillingly by the military administration . . . the English administration was . . . anti-Zionist and perhaps anti-Jewish."

But during that strainful spring of 1920, the British and the French were discussing the boundaries of Palestine. The British Cabinet had no stomach for contesting the delimitations set up by the Sykes-Picot Agreement of May, 1916. These amiable and learned gentlemen, though Sykes was a real authority on the Near East, had drawn a line across Palestine from the Ladder of Tyre to the north of Lake Tiberias. The economic possibilities of the area to the south had not concerned them in the least degree. Political divisions alone, interested them.

No Arab Chief, no Grand Mufti appealed to them against a mutilated Palestine. The only party of interest was the Zionist. It was the American Zionist leaders that prevailed upon President Wilson, then on a sickbed, to cable a protest to the British Cabinet, which acted as a "bombshell," to use Lloyd George's description of its effect upon him and his confreres. A few

square miles, particularly the headwaters of the Jordan were recovered for Palestine.

The following letter was addressed to President Wilson who immediately ordered it to be sent to the British Cabinet as his personal opinion:

"Negotiations in Paris on the Turkish settlement have reached so critical a stage in their effects upon the realization of the Balfour Declaration in Palestine as to compel me to appeal to you.

"My associates of the Zionist Organization wire me from Paris that in the conferences on the Turkish Treaty, France now insists upon the terms of the Sykes-Picot agreement—one of the secret treaties made in 1916 before our entrance into the War. If the French contention should prevail it would be disastrous to the realization of the establishment of the Jewish Homeland in Palestine, inasmuch as the Sykes-Picot agreement divides the country in complete disregard of historical boundaries and natural necessities. The Zionist cause depends upon rational northern and eastern boundaries for a self-sustaining, economic development of the country. This means on the north, Palestine must include the Litany River and the Watersheds of the Hermon, and on the east it must

include the plains of the Jaulon and the Haulon. Narrower than this is a mutilation.

"If the Balfour Declaration subscribed to by France as well as the other Allied and Associated Powers is to have more than paper value there can be no compromise as to the guarantees by which the Balfour Declaration is to be secured.

"I need not remind you that neither in this country nor in Paris has there been any opposition to the Zionist Program, and to its realization the boundaries I have named are indispensable. The Balfour Declaration which we know you made possible was a public promise. I venture to suggest that it may be given to you at this time to move the statesmen of Christian nations to keep this solemn promise to the hope of Israel. It is your word at this hour to Millerand and Lloyd George which may be decisive."

Incidentally this letter conveys distinctly the 1920 understanding of what the Balfour Declaration implied.

This "crisis" having terminated, we need to glance at the San Remo Peace Conference of 1920, when the Mandate was formally awarded to Great Britain, and Sir Herbert Samuel was immediately appointed High Commissioner of

Palestine. Our interest is first in the words of a resolution which was addressed to Lloyd George then at San Remo.—

“At meetings held in London this week the Parliamentary Labour Party, the Executive Committee of the Labour Party and the Parliamentary Committee of the Trades Union Congress have adopted resolutions to remind the British Government of the Declarations made on November 2, 1917, that the Government would endeavour to facilitate the establishment of a Jewish National Home in Palestine, a declaration that was in harmony with the declared War Aims of the British Labour Movement, and which was cordially welcomed by all sections of the British people and was reaffirmed by Earl Curzon on November 2, 1919. The National Labour Organisations indicated, now urge upon His Majesty’s Government the necessity of redeeming this pledge by the acceptance of a mandate under the League of Nations for *the Administration of Palestine with a view of its being reconstituted the National Home of the Jewish people*. The National Committee desire to associate themselves with the many similar representations being made to the Government urging the settlement of this question with

the utmost despatch both in the interests of Palestine itself as well as in the interest of the Jewish People."

J. R. Clynes, Acting Chairman Parliamentary Labour Party

H. S. Lindsay, Secretary Parliamentary Labour Party

W. H. Hutchinson, Chairman Labour Party Executive

J. H. Thomas, Chairman Trades Union Congress

C. W. Bowerman, Secretary Trades Union Congress.

There is no reproach offered the British Labor Party in quoting its 1920 resolution. Apparently the Party, as such, has not repented its decision. What is impressive, however, at this critical time when Lord Passfield supported by Mr. MacDonald undertake to invert the Balfour Declaration is, that the party interpreted the Declaration, which they quote, in exactly the opposite spirit to that now employed by these statesmen. The words italicized by us, but employed among others by J. H. Thomas, a member of the present Cabinet, are simple enough. They urged Great Britain to accept the Mandate, so that Palestine, not a part of it or a city within it, but Pales-

tine as a whole shall be "reconstituted the National Home of the Jewish People."

Therefore, we maintain, with our fellow-Jews, and many non-Jews including Englishmen that the creation of the Jewish National Home and not the Arab or other interest is the dominant clause of the Declaration and the object of the Mandate. We do so in agreement with the policies enunciated by the British Labor Party in 1920. Nor is the language of the particular resolution an accident. The Labor Party was deeply interested in the Palestine project. It knew of the American Zionist position regarding social justice as embodied in the Pittsburgh Program of 1918; it knew, too, of the whole progressive policy enunciated by the Poale Zion.

The British Labor Party felt it had a good deal more than a perfunctory interest in Palestine. So a year after the San Remo Conference, when the carvers of imperial interests had destroyed the physical unity of Palestine by chopping off Trans-Jordan, the Labor Party at its Conference in Brighton, England (1921) adopted another resolution.

"That this Conference, taking cognizance of the assumption by Great Britain of mandatory powers over Palestine with the object of assuring the development of a *Jewish Autono-*

mous Commonwealth, demands that the up-building of that country—the settlement of the land question, the institution of public work and agricultural and industrial enterprises—shall be effected not upon the foundations of capitalist exploitation, but in the interests of labor.

"The Conference regrets that the economic and administrative unity of Palestine has been sacrificed because of the imperialistic rivalries between Britain and France, and that the territory has been wantonly reduced and the opportunities of its colonisation seriously endangered by the cutting off of Hauran and nearly the whole of upper Galilee. The Conference calls upon the Government to put an end to the unnatural and harmful division of the British Mandate territory and *to effect the unity of Eastern and Western Palestine*.

"The Conference believes that it is necessary, in the interests of the settlement and peaceable growth of Palestine and in furtherance of the development of self-governing institutions, that both the Jews and the Arabs shall have full right of taxation for their specific needs."

Were the Zionist views presented to the Peace Conference in 1919 an exaggeration of the views

then prevailing in non-Jewish circles? The British Labor Party maintained the same interpretation of the Balfour Declaration in 1921 when it protested against splitting Palestine by creating a separate province, with a separate mandate for Trans-Jordan, financially as well as economically at the cost of Palestine. Who did this carving and why was it done? The deed is buried in the dim pigeon-holes of bureaucrats who work silently and stealthily operate policies of administration. Trans-Jordan is a large area of fertile land with no people, no cities, with only the Jordan as frontier to the west. The rest is open space. Even the Shaw Report of 1929 which whitewashes so much, writes uneasily of this splitting of Palestine: (page 6)

Viewed in the light of the history of the last six centuries, Palestine is an artificial conception. Under the Ottoman régime it formed part only of an administrative unit, the remainder of which consisted of areas now within the jurisdiction of the Governments of other neighbouring mandated territories. Its frontiers, too, are largely artificial. In many parts they are frequented by nomad tribes who by inter-governmental agreement are allowed unhindered passage across these frontiers for the

purpose of exercising rights of grazing which they have acquired by long usage. In Turkish times the members of the tribes were Ottoman subjects; today some are technically of Palestinian, some of Trans-Jordan and some of Syrian nationality, but it is at least doubtful whether they themselves recognise distinctions of this character.

The frontier is wide open to the East of Palestine. The nomads do cross it to settle in Palestine. The Jews are however forbidden to purchase land in Trans-Jordan. One consequence is alluded to in the "Report and General Abstracts of the Census of 1922": (page 4)

The Ottoman authorities in 1914 placed the tribal population of Beersheba at 55,000 and since that date there has been a migration of tribes from the Hedjaz and Southern Trans-Jordan into the Beersheba area mainly as a result of a succession of adequate rainfalls and of pressure exerted by other tribes east of the River Jordan.

The boundaries of Palestine in one official statement of the Zionist Organization submitted to the Supreme Council of the Peace Conference were to be, on the north from a point south of Sidon, following the watershed to the divid-

ing line of the slopes of the Hermon "close to and west of the Hedjaz Railway." "In the East a line close to and west of the Hedjaz Railway terminating in the Gulf of Akaba" and there was added "in the details of the delimitations, or any necessary adjustments of detail, shall be settled by a Special Commission on which there shall be Jewish representation."

Apart from the fact that there was in 1919 no suggestion of the division of Palestine into two countries, the outline of the boundaries with the request for Jewish representation on the boundaries commission makes clear that neither in the mind of Sir Herbert Samuel who sat in on the drafting of the "statement" nor of the British officials who advised on the details, nor the Peace Conference to which it was presented was there any idea that Jewish National Home implied a minority position for the Jews in Palestine.



THE MANDATE

THE repeatedly redrafted Mandate for Palestine came up for final discussion in July, 1922. A threat that it would not issue, we understand, was the pressure exerted on the Zionist Executive to force it to approve the Churchill White Paper. Though it bears the signature of Winston Churchill as Colonial Secretary, it was issued at the instance of Sir Herbert Samuel, who is also regarded as its author and whose conduct from December 2, 1914, when he declared "that he stood for Zionism not only in the Cabinet but out of it" to date, is one of the mystifying facts in this complex situation.

The threat of postponing the issuance of the Mandate could only have "worked" with a nervous group of men harassed by the demands of Zionists who had become tense over the long delay of the promised document and fearful that the Arab protests, less numerous than now and less public, would under the weak control exer-

cised by the High Commissioner, lead to some modification of the much wished for document.

That modification was effected—if legally it is a modification—by the Churchill White Paper, which interprets the intent of the Mandate. To the authors, who are not lawyers, the Churchill White Paper is not binding. It is no more part of the Mandate than is Lord Passfield's White Paper. It interests us as exhibiting the state of mind of the British Government. It exposes what in 1922 the Government conceived to be minimum and maximum of the Jewish National Home. It is, like Lord Passfield's statement, an exposition of the theory underlying the policy which the Administration undertook to set into operation. Whether one or the other or both of these administrative policies square with the intent of the Declaration and the purport of the Mandate is the question. We shall judge the conduct of the British Government by a fair rule, "by their acts shall ye know them."

The Mandate (see Appendix III p. 183) was formally issued in July, 1922 in response to a "memorandum submitted to the Council of the League of Nations by the Zionist Organization," which thus sets forth the Zionist claim:

What the Zionists demand and have de-

manded from the outset is . . . not a matter of toleration but a matter of right. To this is added, as a corollary, the demand that the establishment in Palestine of the Jewish National Home should be recognized as an undertaking in which the Jewish people as a whole has a legitimate interest and an unquestionable status.

The answer to the first demand is in the preamble of the Mandate, in words that should sear British official minds:

Whereas the principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the Declaration originally made on November 2, 1917 by the Government of His Britannic Majesty and adopted by the said Powers. . . . Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country.

Thus the British Cabinet was in complete accord with the spirit of the title of the first Zionist memorandum of January, 1919 "relating to the Reconstitution of Palestine as the Jewish National Home." (Compare page 52.)

White Paper, black paper—here was the world, with Great Britain in the lead, answering the Zionists in the language of the Zionists. How could there be any misunderstanding of the connotation of the ideology employed?

The second request, that "the Jewish people as a whole has a legitimate interest and an unquestionable status" in the establishment of the Jewish National Home, was met by Article 4 of the Mandate:

An appropriate Jewish Agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine . . .

The Zionist Organisation . . . shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews willing to assist in the establishment of the Jewish National Home.

The British Government has ever since, in formal official statements as mandatory and in reports to the Mandates Commission of the League of Nations, reaffirmed its adherence to the Balfour Declaration. It is still doing so. Merely for the record, we cite the following:

Lord Curzon—(Palestine still being under the Foreign Office)—to Mr. Sokolow, Novem-

ber 1, 1919: There has been no change in the policy of the Government with regard to the establishment of a Jewish National Home in Palestine.

The Colonial Secretary to the High Commissioner for Palestine, October 4, 1923 (Command Paper 1989 [1923]): "The Key-note of British policy in Palestine . . . is to be found in the Balfour Declaration . . . the policy of the Declaration . . . formed an essential part of the conditions on which Great Britain accepted the Mandate for Palestine, and thus constitutes an international obligation from which there can be no question of receding."

Mr. J. H. Thomas (Colonial Secretary), House of Commons, February 25, 1924 (Official Report, Column 63):

"His Majesty's Government have decided after careful consideration of all the circumstances to adhere to the policy of giving effect to the Balfour Declaration of 1917."

Like statements have issued year by year ever since the summer of 1927 when the first Wailing Wall incident happened. The intensity of these verbal declarations has only added to the despair produced by the contrariness of the practiced policy that has accompanied them. August, 1929 witnessed the first real pogrom in Pales-

tine under British rule. There followed an outcry that disturbed the serenity of officialdom. There was no mistaking the undercurrent of belief that these outrages, incited by cultivated Islamic fanaticism, were either the result of official neglect of duty or were indirectly instigated by the anti-Zionist attitude of British officials in Palestine.

The Wailing Wall incident, which has more recently occupied the attention of the League's special commission and is the presumptive cause of the Arab outburst, would in all its pros and cons fill a book. We are concerned here only with one phase of it,—the conduct of British officialdom in Palestine. It has in every detail been un-British, ungallant, and has exhibited in every detail of conduct and regulation, contempt for the Jews in Palestine and, equally contempt for Jews throughout the world. The rights and wrongs of legal continuous use, the justice of claims of ownership, etc.,—these stand apart as matters discussable. The interference with people during public worship, the raising of vexatious issues as to whether benches are not permissible in a *cul de sac* and the approval of breaching the Wall in order to turn this closed-in area into a passage, such acts are not the conduct one would expect from men educated in English universities and trained in the English civil service to a sense of

fair play. We doubt whether these same men would have interfered, however provoked, in a *voodoo* service on the West Coast of Africa. If the Arabs in the August, 1929 massacres believed that the government was with them, the conduct of the British officials fully justified that belief.

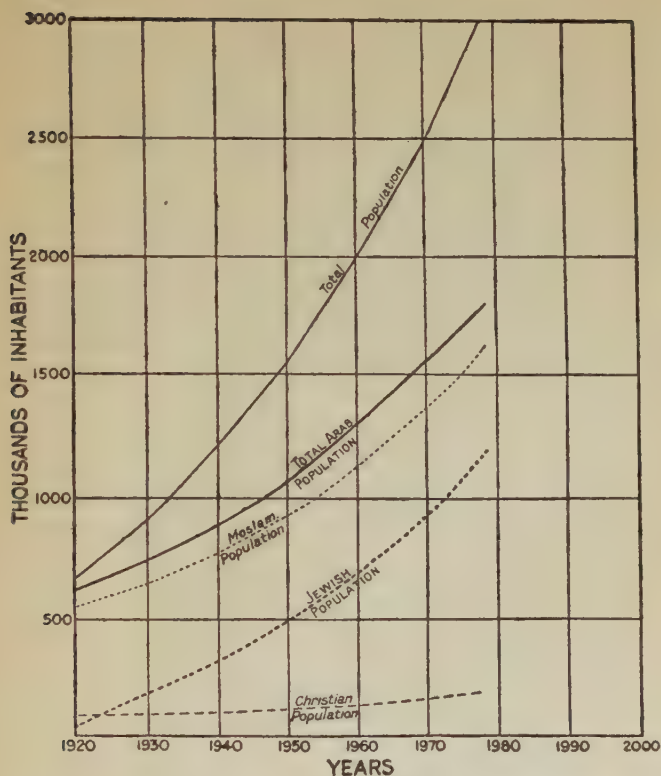
We are however more concerned with what followed. The government repeated at Geneva and in Parliament its stereotyped determination to carry out the Mandate and to adhere to the Balfour Declaration. And thereafter it adopted a thorough-going characteristic Colonial Office policy. It sent a Parliamentary Commission headed by a Colonial Judge, Sir Walter Shaw, directed by a Colonial Office official, Mr. T. I. K. Lloyd as Secretary, together with two Treasury officials, as official reporters to Palestine to "white-wash" the Palestine Administration. Happily the commission included the representative of the Labor Party, Hon. Harry Snell, M.P., who, although ultimately a signatory to the report, annexed a memorandum the essence of which is more than a mere dissent, for it is incisively critical of many of the conclusions of his Commission colleagues. Though the object, according to Lord Passfield's letter of instructions of September 13, 1929, was "to inquire into the immediate causes which led to the recent outbreak in Palestine and

to make recommendations as to the steps necessary to avoid a recurrence," the Commission went beyond its instructions. We do not regret that this commission, though it did "whitewash" officialdom, went into matters beyond its province. Because by its own wide investigation it laid bare and finally forced into public print the whole scheme of thought that lay behind the gradual undoing, by semi-private administrative acts, of the Balfour Declaration and the Mandate.

Accordingly the Secretary of State for the Colonies presented to Parliament by command of His Majesty, March, 1930, a "report of the Commission on the Palestine Disturbances of August, 1929," largely the composition of Mr. T. I. K. Lloyd, its secretary and, as noted, a Colonial Office official. The substantial, positive and most impressive factors of this Blue Book are the graphs (one of which is reproduced on the opposite page) showing "the Growth of Population in Palestine on Certain Assumptions." Mr. Mills, Assistant Chief Secretary of the Palestine Government, undertook to demonstrate how the Jewish settlement in Palestine could be "crystallized" and the preponderance of Arabs maintained.

The immediate result of the riots, a repetition of the method employed in 1920, was to suspend

GRAPH N^o IV



This graph, reproduced from the Shaw Report, illustrates the practicability, by a minimum of Jewish immigration, of keeping the Jewish and Arab populations of Palestine at a relatively stationary position.

the certificates previously issued to enable Jewish laborers to settle in Palestine under a quota system arranged between the government officials and the Jewish Agency and Zionist officials in Jerusalem. The government denied that there was a political motive behind this "suspension" of Jewish immigration, but the bounden developers of the Jewish National Home, ignoring the plausibilities of London for realities of Jerusalem, undertook to show how it would never come to pass. By limiting Jewish immigration to ten thousand immigrants per annum, the Arab population will in 1970-80 approximate 1,750,000, and the Jews number 1,250,000. In other words the relative position of the population will remain nearly stationary. This graph is the Labor Government's answer in 1930 to the Labor Party's resolution of 1921. Were Ramsay MacDonald and Lord Passfield at that 1921 Party Conference?

Why this repudiation?

The terms of the Mandate for Palestine were, as we have noted already, under discussion at the Peace Conference in 1919. Zionist and British Foreign officials busied themselves with its details. The American Zionists, in particular, retained a voluntary staff of competent legal draftsmen to draw up what they desired to be a model document. Justice, equity, social progress, humanity,

equality were written into those drafts. Responsibility had not quenched the Jewish thirst for creating a new order in this old world. The Peace Conference procrastinated. The Mandate discussions were deferred. The volunteers returned to their homes,—officialdom came into possession of the situation. San Remo, with the appointment of what the Jews naïvely believed was a second Ezra, in the person of Sir Herbert Samuel as the First High Commissioner, kindled a flame of enthusiasm that swept away fears and doubts. There was faith, abiding faith in the word of the British Government.

The era of public covenants openly arrived at was at an end.—The Colonial Office obtained possession of Palestine—a silent bureaucracy was steadily at work. It had, as was later apparent, the support of the High Commissioner, who in order to walk straight in his great office, was bending backward. The result was that, almost simultaneously with the issuance of the Mandate, there was published one of those famous White Papers, which have added so much to the drab misery of the Jewish people. This was the famous Churchill White Paper drafted in June, 1922 (see Appendix II), which is summarized in the following telegram:

The Secretary of State for the Colonies to the Officer Administering the Government of Palestine.

(Telegraphic.) Sent 29 June.

A White Paper will be laid on Saturday, the 1st of July, covering correspondence between His Majesty's Government and Palestine Arab Delegation and Zionist Organization, from 21st of February to 23rd of June, 1922. This Correspondence includes official statement of British policy in Palestine, of which summary follows:

(1) His Majesty's Government re-affirm Declaration of November, 1917, which is not susceptible of change.

(2) A Jewish National Home will be founded in Palestine. The Jewish people will be in Palestine as of right and not on sufferance. But His Majesty's Government have no such aim in view as that Palestine should become as Jewish as England is English.

(3) Nor do His Majesty's Government contemplate disappearance or subordination of Arab population, language, or culture.

(4) Status of all citizens of Palestine will be Palestinian. No section of population will have any other status in the eyes of the law.

(5) His Majesty's Government intend to foster establishment of full measure of self-government in Palestine, and as the next step a Legislative Council with a majority of elected members will be set up immediately.

(6) Special position of Zionist Executive does not entitle it to share in any degree in government of country.

(7) Immigration will not exceed economic capacity of country at the time to absorb new arrivals.

(8) Committee of elected members of Legislative Council will confer with administration upon matters relating to regulation of immigration. Any difference of opinion will be referred to His Majesty's Government.

(9) Any religious community or considerable section of population claiming that terms of Mandate are not being fulfilled will have right of appeal to League of Nations.

The executive of Zionist Organization have formally assured His Majesty's Government that the activities of the Zionist Organization will be conducted in conformity with policy set forth in statement. Correspondence will be

forwarded by next mail. Meanwhile you may issue above summary of statement for publication on Monday, July 3rd.*

Truly, Mr. Churchill denounced "exaggerated interpretations of the meaning of the Balfour Declaration" and condemned the use of the rhetorical phrase that Palestine is to become "as Jewish as England is English." The phrase which was used by Dr. Chaim Weizmann, originally appeared in an editorial in the London *Jewish Chronicle*, on the 20th of May, 1921, in the following form:

Hence the real key to the Palestine situation is to be found in giving to Jews as such, those rights and privileges in Palestine which shall enable Jews to make it as Jewish as England is English or as Canada is Canadian. That is the only reasonable, or indeed feasible meaning of a Jewish National Home, and it is impossible for Jews to construct it without being accorded a national status for Jews.

It is a fair interpretation of the words used by Major W. Ormsby-Gore, the Political Officer in charge of the Zionist Commission on June 17,

* Mr. Churchill's comparison between his White Paper, and Lord Passfield's White Paper will be found in Appendix VIII, p. 286.

1918, at Jaffa, at the first conference of Jews of the liberated area of Palestine.

Mr. Balfour has made an historic declaration with regard to the Zionists, that he wishes to see created and built up in Palestine a National Home for the Jewish people.

What do we understand by this? We mean that those Jews who voluntarily come to live in Palestine should live in Palestine as Jewish nationalists, *i. e.*, that they should be regarded as Jews and nothing else . . . You are bound together in Palestine by the need of building up a Jewish nation in all its various aspects in Palestine, a national center for Jewry all over the world to look at.

The Churchill White Paper was a step down, not from Jewish claims, but from British promises and British interpretations of the Declaration. It was a deflection from the original intentions of the Declaration. Even so, it stipulated that "*the Jewish people will be in Palestine, as of right and not on sufferance.*"

This formula was a response of Colonial Secretary Churchill and his first assistant, the permanent secretary, Sir John E. Shuckburgh, to Arab protests. An Arab delegation in London, in February, 1922, asked that the British Government:

revise their present policy in Palestine, end the Zionist *condominium*, put a stop to all alien immigration.

To this and much else, the Colonial Secretary replied on March 1, 1922:

Mr. Churchill regrets to observe that his personal explanations have apparently failed to convince your Delegations [the Arabs] that His Majesty's Government have no intention of repudiating the obligations into which they have entered toward the Jewish people. . . .

If your Delegation really represents the present attitude of the majority of the Arab population of Palestine, and Mr. Churchill has no grounds for suggesting that this is not the case, it is quite clear that the creation at this stage of a National Government would preclude the fulfilment of the pledge made by the British Government to the Jewish people.

Immigration is of such vital concern to all sections of the population, that there are strong grounds for dealing specially with it, or for setting up some regular machinery by which the interests of the existing population of Palestine should be represented, without the infusion of any official element.

This fair suggestion as to the handling of immi-

gration was never acted upon. The immigration official is a subordinate of the Palestine Administration, which is the creature of the Colonial Office in Downing Street. We may be permitted, in passing, to note how Mr. Ormsby-Gore's fine words, "those Jews who voluntarily come to live in Palestine should live in Palestine as Jewish nationalists," and Mr. Churchill's more resonant phrase, "the Jewish people will be in Palestine as of right and not on sufferance," have translated themselves in the administrative manipulations of the Colonial Office.

Can every Jew who so desires enter Palestine? No.

Can every Jew who is permitted to enter Palestine settle there? No.

Can all those Jews who settle in Palestine become Palestinians? Not if they are British subjects.

The "right and not on sufferance" has its limitations.

The splendid vision of J. Ramsay MacDonald, "Israel, after many generations, has turned towards Palestine, as migrating birds obey the call of the seasons," may not literally apply to English Jews. They are in a special category in Palestine. Its citizenship is forbidden them. Nothing perhaps as clearly illustrates the possessive con-

cept of Palestine, furtively maintained by the Colonial Office, as the character of the rights the Government maintains for British Jews in Palestine, together with its denial of their right to co-opt for Palestinian citizenship. Outweighing the lucubrations of a dozen White Papers is this simple statement. It is made by a responsible English Jew who writes of himself and others and whose position demands that we withhold his name from publication:

1. As soon as I was qualified to do so, I, a British born subject, applied for Palestine nationality to the Palestine Government. In due course, I surrendered my British passport and received a Palestinian passport with which I visited England.

2. Subsequent to my return from that visit, I received a letter from the Immigration Department of the Palestine Government, requesting me to return my Palestine passport for which the original British passport would be substituted, this action having been required by a decision of the Law Officers of the British Crown.

3. While hesitating about my action in the matter, I received a reminder on the subject and I had no alternative but to surrender my

Palestinian passport, and a new British document was issued for which no fee was payable.

I understood from inquiries addressed to the Legal and Immigration authorities that (a) I enjoy the rights and privileges both of a British and of a Palestinian subject, and (b) that the cancelling of my Palestinian passport is due to a ruling that a British High Commissioner, such as is the head of the Palestine Administration, cannot denationalise a British subject, but I have nothing in writing to this effect, the authorities being very reluctant to make any statement on the subject.

The dual British rôle exhibited in this letter demands some elaboration. Year by year since 1919, British Secretaries of State have affirmed and reaffirmed Britain's adherence to the principles of the Balfour Declaration and the Mandate. Mr. MacDonald says he is loyal to both. Lord Passfield boasts, we believe, that he moved the original approving resolution at the Labor Conference, and therefore, all who believe he is "retreating" from the express pledge, are mistaken and misconceive his whole-hearted friendship, benevolence and loyalty to obligation. Despite all these assertions the British born Jew is denied his right to become a Palestinian. A small matter! How

many British born Jews want to become Palestinians? Yet here, if we have any understanding of ethics, we have a palpable measure of that betrayal of principles of which we complain.

"His Majesty's Government has accepted the Mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations" so runs a sentence in the preamble of the Mandate. Nowhere is it written, nowhere indicated that the British Government was to exercise it in the interest of British policies or British self-interest. Nowhere is it indicated that the relationship of a British Jew should be different from that of any other Jew, American, Russian, Polish or German. Who has decided otherwise? Not the League of Nations, nor its Mandates Commission, nor even the British Government in any public document.

He who first said "Let the buyer beware" uttered a byword rather than a proverb. The buyer is never "aware." The mood of buying is against this awareness. The code writer who said every citizen knows the law or must know the laws of his country was uttering a complete psychological untruth. No citizen knows the law, for codes are no part of our consciousness. Humanity grasps certain moral principles. Lawyers and judges look into the precise language of

codes to justify claims of rights or to denounce infractions of statutes. Man lives by faith—confidence in the fair and equitable dealing and the honest intent of his neighbors. That is why a report is the best hiding place for evidence of public wrong; that is why office itself is the best safe deposit box for concealing the irregularities and malevolent machinations of bureaucrats.

A high school student passing an examination in civics is probably the most conscious person as to the laws, rights, privileges and systems of government he has been studying. To his teacher it is all routine text—meaningless words learned by rote. What does the individual reader know about the detailed process of government in the municipality in which he lives? Almost nothing! Examine any adult in the mechanics of his local bureaucracy and he will flounder. Yet it is in the orderly process of papers drawn up, passed along, signed, reported, sealed, redrawn, the mazes of the circumlocutory department that a system grew up, which turned the Balfour Declaration upside down and led to the present violation of the Mandate.

Ask Baldwin, Lloyd George or for that matter Ramsay MacDonald whether they know that the Law Officers of the Crown have denied an English Jew the right to become a Palestinian and they

will, we are certain, honestly admit complete ignorance of the matter. Zionist officialdom knew something about it. Zionist officialdom has been silent. Zionist officialdom is not specifically legally trained. It has not been drawn from a class of trained diplomats. It had, moreover, other and more serious problems to consider than the rights of a few English Jews. It has been lost for seven years in the mazes spun by the civil servants trained in the Colonial Office. Nearly every individual grievance against the Administration established in Palestine is petty, even obscure. The sum total presents a picture, a massing of blacks against a white background—until in Lord Passfield's hands the eclipse is complete.

Year by year the British repeated the formula of loyalty to the Declaration. Year by year the Palestine Administration reported formally and with official correctness what it was doing in Palestine. The routine was perfect. The Mandate Commission set up its questionnaire in accordance with article this and article that of the Mandate. The Mandatory was answerable and did respond to the solicitous inquiries of the League of Nations. The law was cited—the law was obeyed. Every tweedledee corresponded to its apposite tweedledum. But——



THE COLONIAL OFFICE TAKES HOLD

THE Jews in Palestine had grievances. Visitors to Palestine were complaining. Bills of particulars were presented at the Zionist Congresses of 1925 and 1927. Bundles of slivers—the whittlings of Jewish emotion, said the critics,—Zionist critics of Zionists—Zionist leaders explaining, defending, vouching for the British Government and the Palestinian administration. The Zionists had faith in British official rectitude. They sought to have faith and to justify their faith—a desired faith was set up against concrete facts.

What actually happened? When the military administration ceased and was replaced by a civil administration, the new force was recruited from the Colonial Office. It appointed and employed men, trained in its service, graduated from the British civil service. The London *Times* in its advertising columns has from time to time announced vacancies in the Palestine Administration. Nothing could be more orderly and precise

than these announcements. Nothing less obviously unobjectionable,—except this—Palestine is not a British possession. The British civil service code, British preference for British trained men, graduating in rank in Palestine according to British colonial ratings, does not of necessity apply to Palestine.

We shall not enlarge upon the details of this discrimination against non-British trained men educated for public service. This mole-hill becomes a mountain of its own momentum. The men so selected are, by every disposition and training, predisposed to Colonial Office routine.

They know from the Mandate that Palestine is technically not a British possession. But, having no other concept of government, obviously theirs is a problem of adjusting conditions to the technicalities of the Mandate. Since the Dominions are not administered by it, the inbreeding of the Colonial Office has hardened. The Colonial Office administers in detail the Crown Colonies,—lands England owns, in which "natives" live. The Palestine Administration, High Commissioner, Attorney General, Civil Secretary were given the Crown Colony Code by which to guide their acts. The leash that holds them is the cable to Downing Street.

It would have been an exception to the whole

current of human experience if British Colonial Office trained men thought of Palestine in terms other than that of a Crown Colony. As they thought, so they acted. Whatever their predispositions towards the Jews, whatever flutterings of emotion were stirred in their breasts, when they reflected that they were to help rule in Zion and aid in its restoration, they, soon after settlement in Palestine, learned to dislike the Jews, and to despise the Mandate. Few of the men who have served in Palestine have sympathized with the Balfour Declaration. Privately, Englishmen admit this. So have the officials in Palestine, in mutual criticism over the tea cups. To those who seek objectivity, this is perfectly natural.

The British Crown Colony system, with its reference of every important and even trivial matter to London, is only practical and applicable in a community of Englishmen attached to the Motherland and in the colony principally for business, or official and professional reasons, surrounded by "natives," that term that so curiously designates those who can be cuffed, kicked, or ordered into silence. "Natives" have all life before them. They are a leisurely, easily subdued and quickly satisfied element of humanity. Or officialdom thinks so.

In Palestine, from the point of view of official-

dom, there has settled the most objectionable class that has ever tried its patience,—Jews. Jews who come into Palestine feeling in sober truth that they have come *Home*. They make up, what Ramsay MacDonald has so eloquently described, as “an immigration of the longing ones.” Jews who come “of right and not on sufferance,” Jews who know not this word “native” as applied to themselves or others. Jews who are culturally the equals and even the betters of the civil staff. Jews who bring either means or capacity or both with them! Lastly, Jews who from the moment when landing at Jaffa, they kiss the sands, eyes filled with the tears of hope, strive to do their all towards the upbuilding of the Jewish National Home. Men and women who think and dream.

Hatikvah * is not in the text book of the schools that train British Colonial officials.

We have still to deal with the fine spun words which seek to prove that black is white, that the bottom is the top; a proviso the controlling clause; and a preamble meaningless. We shall show that “the letter killeth”—but it is still more true that the spirit slayeth. For eight years the Jews have struggled to achieve in Palestine. Every day of those eight years officialdom has found means of retardation, procrastination, of turning

* The Jewish National Hymn “The Hope.”

the Jewish dream into a Penelope robe. What was woven in the day was unraveled in the night.

Is our view that Lord Passfield's policy is merely the end of the process of strangulation in which British officialdom has indulged from the beginning a myth, the reaction of a sort of racial paranoia? Let us see!

The struggle between the Zionist officials who constituted the Zionist Commission, a body sent to Palestine by the advice of the Government in 1918, and the military governing Palestine in 1919-20, was discussed at the London Zionist Conference in July, 1920.

From 1918 to September, 1922, C. R. Ashbee, M.A., held the office of Civic Advisor to the City of Jerusalem. Subsequently Mr. Ashbee wrote "A Palestine Notebook" (New York, 1923). Mr. Ashbee frankly dislikes the Jews, detests Zionism and all its works. A few excerpts with dates are illuminative.

July 5, 1918.

The Jews don't like it. They think the new Jerusalem belongs to them. But we don't take that view.

July 24, 1919.

Today the Zionists inaugurated their new university on Mount Scopus . . . But it's we

Protestants with our dear old English Bible who really remember Ezra, not they.

September, 1918.

(The Balfour Declaration was ten months old.)

What is to be done with this country after the war, and who is going to have the say? The constructive people out here? The idealistic Democracy at home? The Zionists??

January, 1919.

(Ashbee reflecting on a talk with Lord Curzon at the Foreign Office.)

And as for Zionists? I went away with the thought that there might be some Jewish State—later perhaps. Not yet.

I have not met one Zionist yet whom I would really trust for a wise and sane constructive policy . . . the Jew is unthinkable without the bargain, he bears the brand of that mean fellow Jacob upon his brow.

Tiberias, March 20, 1920.

Dealing with the need for Israel in Palestine. All this finer life the Jew has built up for himself, there has been nothing to do with political Zionism. It is threatened with one danger only, political Zionism may destroy it.

Jerusalem, December, 1919.

Your Zionist does not realise that Islam has accomplished what Judaism failed to do—to establish in the peoples of Western Asia the idea of the unity of God. Perhaps of *political* Zionism they might even have approved the summing up of a brilliant French Jewess; "*Le sionisme, enfin c'est une blague.*"

And here is the sum total of the Ashbee philosophy written in 1923:

The policy of the Balfour Declaration is an unjust policy and Zionism as understood and as sometimes practised in Palestine is based upon a fundamental injustice and therefore dangerous both to civilisation and to Jewry.

Mr. Ashbee was frank. We do not propose to argue his views, though his dislike of the Jews was basically that he wished to create a Gothic hand-work guild-craft life in Palestine. He represents in the main the men who have served England in Palestine since 1918. They are publicly reticent.

Mr. Harry Charles Luke (who in 1913, in Sierra Leone, was according to his book, "Fringe of the East," Harry Charles Joseph Lukach, the official most prominent in the riots of

1929), managed in 1927 to write "Prophets, Priests and Patriarchs, sketches of the sects of Palestine" in which he wholly ignores the Jews. Together with Mr. Keith Roach, another official, he wrote "Handbook for Palestine," which by its scanty attention to the Jews betrays indifference to, if not dislike of the Jews. Name after name occurs to us but they are all strange to the reader. He must assume that the majority of the Jews in Palestine freely discuss the unsympathetic attitude of all but four of the British officials who are or have been in Palestine since 1918. One of the exceptions is Lord Plumer, who for some years was High Commissioner, another Sir Wyndham Deedes.

Over and over again in Zionist circles there has been discussed this need of Britain being represented in Palestine by men sympathetic to the Mandate and its purpose. It is not in the blood of Colonial Office men to approve the Mandate. They must rule not coöperate with people. They must according to their creed dislike the Jew in Palestine. They feel their "rights." They are there because of the "natives." They can like the Arabs. For though the latter protest against the presence of the British in Palestine, oppose the Balfour Declaration and the Mandate, the upper classes can be "managed," the lower classes repressed.

From the viewpoint of Colonial officialdom, the Jew is the "undesirable alien."

Yet we feel obliged to trace some of the acts which destroy and have been destroying the Jewish National Home and which in their totality make of Palestine a British Crown Colony, not in name but in fact. We merely select a few typical instances.

1. Jews born in Palestine and immigrants holding public office are not permitted to coöperate financially or as a matter of formal association in the development of the country. A judge was denied the right to participate in what was hoped would be an important financial institution for issuing mortgages and bonds on Jewish property in Palestine. The reason assigned was the Crown Colony Code.

2. Another official was denied the right to aid in the development of so unlucrative a venture as the Hebrew Opera Company. The reason assigned was the Crown Colony Code.

3. The plans for a hotel in Jerusalem had, we were told in 1925, not only to be submitted to the Department of Public Works, but that department had to refer the plans and specifications to London. Yet Jerusalem is a municipality in which voters elect the Mayor and Council, etc.

4. The Palestine Immigration Office controls

the visas issued to would-be settlers, including Americans, who apply to the British Consulate in New York City. "Of right and not on sufferance" is not known as principle or practice in the matter of passports. The conditions of settlement are onerous.

5. Vladimir Jabotinsky, though a Jew and the recruiting officer and inspirer of the British and Palestine Jewish Legions that fought under Allenby, has been denied admission to Palestine because he has views on the policy Zionists should pursue in achieving the Jewish National Home. He is not "suffered" by the Mandatory Administration.

6. All the concessions for Palestine are matters for negotiation with the London Agents for the Crown. What rights the Crown Agents have in a mandated area have never been made clear.

7. The Palestine Administration has consistently made difficulties for the development of textile industries in Palestine. We have no opinion as to the merits of these projects. We believe Jews have a right if they choose so to do to lose money in Palestine in the manufacture of cotton goods. To lose money should at least be "of right" but the British will not "suffer" it—in the interests of Manchester. That is why Sir John Hope Simpson goes out of his way, in his report, to oppose

textile industries. This decision, like many others designed to regulate the industrial life of a people, could only occur to those who feel they are in possession.

8. Palestine pays for the upkeep of the military railway in the Sinai Peninsula—that is, on territory which is not part of Palestine and a road in which Palestinians have not the slightest interest.

9. The whole of the duties on imports though grudgingly and slowly changing, are conceived not from the point of view of a newly developing country that needs cheap construction material, but from the point of credit budget and a payroll for imported British officials. Arabs and Jews according to their own systems have for centuries been running schools. There are only a handful of British children in Palestine, but Palestine pays for British school inspectors. This is the smallest item in a bureaucracy established to govern less than a million people, many of whom are nomads and the vast majority of whom do not know the English language which British officialdom stamps on everything and demands everywhere.

Viewed from the heights there is something picayunish and small-minded in the setting forth of these grievances and, such others as the discrimination practiced against Jews in the government service, etc. We agree. From our point of

view the fact that such difficulties have been discussed in the Political Commission of the Zionist Congresses, that Zionist officials have had to devote themselves to the righting—with no great success—of all these minor wrongs, is part of the serious evil that has grown up with “the Great Adventure.” The worst phase of it, however, is that, step by step, in order to justify the policy, it has led to a betrayal of the principles of the Mandate. In mathematics the whole is no greater than its parts. In life the sum total of any group of experiences is something different from its incidents. How far the slant of things can mislead is shown by the fact that in England the presence of so many British officials in Palestine prior to the disturbances suggested that the British taxpayer is carrying the burden of a new type of imperialism for the benefit of Jews.

We shall waste neither time nor space dissecting budgets in order to disprove this. A few quotations from official sources (the italics are ours) will set the minds of most people at rest. Says the “Report of the Commission on the Palestine Disturbances of August, 1929” — the celebrated Shaw Report: (page 19)

Ignoring adjustments . . . such as the cost of *redeeming the share of the Ottoman Public Debt allocated to Palestine and the repayment*

of certain sums due His Majesty's Government, the expenditure of the Palestine government during the period of 1925-28 averaged £2,275,000 per annum. By far the heaviest item of expenditure is that incurred on military and security forces, the charge for which (including prisons) amounted in 1928 to £536,713.

Quite a share of this expenditure for "military and security forces" of course goes to British officials and British soldiers. But the report continues: (p. 19-20)

The financial record of the Government of Palestine is one of which any administration would have good reason to be proud. In the early years of the Administration, revenue barely balanced expenditure, although at that time the whole of the cost of the maintenance of military units in Palestine was defrayed by His Majesty's Government and—between 1922 and 1926—the cost of the British Gendarmerie was borne from a grant-in-aid by His Majesty's Government. *In more recent years the Palestine Government accumulated large surplus funds*, the greater part of which they have utilized for extinguishing by purchase the share of the Ottoman Public Debt allocated to the country by the Treaty of Lau-

sanne. They have repaid to His Majesty's Government—partly out of loan funds and partly out of revenue—sums approaching a total of £1,500,000; they have defrayed five-sixths of the cost of the Trans-Jordan Frontier Force, a military unit raised locally and intended for the common defence of Palestine and Trans-Jordan, and since the 1st of April, 1927, *they have repaid to His Majesty's Government the amounts by which the cost of the British forces stationed in Palestine and Trans-Jordan have exceeded the cost of those forces when stationed in Great Britain.*

"Out of the eater came forth meat, out of the strong came forth sweet." The Samsonic riddle applies. One more quotation: (page 20)

For the first few years of the British administration, Palestine was a burden on the British Exchequer in the same manner and to much the same degree as almost every country newly brought under British rule has at first been a burden. But Palestine has now repaid her debts to His Majesty's Government on a scale which at least compares favourably with that obtained from any other debtor country and she now *meets from revenue all the current charges*

that can fairly be made against her by His Majesty's Government.

The Jew pays. The Jew has paid and he continues to pay. He is the financier of a government that despises him and opposes him, and violates the contract made with him.

At the moment in which this book is being prepared for the press, when the operation of the proposed White Paper looms seriously in Palestine, while the Jews protest against a breach of honor, the Arabs, according to accredited reports, are throwing their lands on the market. The price of land in Palestine has dropped steadily since the 1929 riots. Liberals who saw Jewish effort in Palestine as something unethical and therefore rushed to the support of a constitutional panacea, which would adjust the Arab-Jewish problem, have made no attempt to understand that, while the Arabs are striking at the British over the backs of the Jews, they have not the remotest intention of paying the price of British administration. So confronted by a policy which will check immigration and at the same time prevent the sale of lands, Arabs are flooding the market with offers of property. They want to be forehanded and cash in. That fact, we believe, puts a different complexion on the inwardness of what is really afoot in Palestine.

Nor is there anything new in this combination of protest and a desire for customers. The Palestine Administration in 1921 passed a Land Transfer Ordinance of which Section 5 reads:

(1) Any person wishing to make a disposition of immovable property must first obtain the consent of the Government.

This ordinance failed to operate, as Dr. Drummond Shiels laconically told the Permanent Mandates Commission, because: (page 63)

These sub-sections had not always been popular with Arabs who wished to sell land.

One obvious reason—apart from the fear of the loss of customers—is that the Arab does not wish to pay the taxes that modern administration demands. The London *Nation and Athenaeum* (October 25, 1930), which describes the British policy as a "curious picture of timidity and truculence," has this to say of the prospective outcome of the proposed policy:

It is not difficult to foresee the future course of events if . . . Palestine is left with a steadily increasing Arab population and a stationary Jewish settlement unable and unwilling to invest money in any future development. The present cadre of British officials,

which it is now proposed to enlarge, is absurdly expensive for an Asiatic country with a population about one-twentieth of that of an Indian Province . . .

In a very literal sense, therefore, Great Britain is in Palestine by reason of the Jewish National Home. Withdraw the Jews who are the principal taxpayers and the administrative structure falls for lack of income.



THE LEAGUE TAKES HOLD

ALTHOUGH not so intended, the MacDonald Government has by its proposed Palestine policy rendered one useful service, that of calling attention to the twist given the Mandatory system. The practicability of entrusting an area and its population to one of the great powers may now be scoffed at, but there can be no question that in the spell of high idealism that moved the world at the opening of the Peace Conference there existed a belief that the policy of imperial expansion could be thwarted, and that the League of Nations could serve as that court of the conscience of mankind before which subject peoples could bring their grievances and be dealt with in equity and justice. The variations in the three types of Mandates, the insertion in the Mandate for Palestine of a preamble which should justify the presence in the country of a Mandatory that would facilitate the establishment of the Jewish National Home, the creation

of the Permanent Mandates Commission, all point to the fact that there existed an intent to do something new in the government of the lesser peoples. So far the Mandatory has failed the system of its own devising.

The fault is not with the League of Nations nor yet with its excellent institution, the Permanent Mandates Commission. There is comfort for the oppressed and the tried in the fact that within its ample reports—which only attract the attention of the professionally interested—there is evidence that not a single protest, however obscure, goes unnoticed. The trouble is that the Commission lacks independent observers in the Mandated territories and that its authority is limited to criticism based on paper reports. Its difficulties are fully demonstrated in a single sentence employed by M. Van Rees: (page 83)

It must not be forgotten that, during its previous session, the Mandates Commission had not had at its disposal such abundant information as was now available, thanks to the Shaw Report and the documentation from all kinds of sources which it had called forth.

The man in the street, and for that matter the opinion-creating editors of our great dailies, are not particularly mindful, in discussing this Pales-

tine problem, that its Mandate comes under class A and that the British admittedly have operated it as a class B Mandate * or that the terms of the Mandate were handed to the League of Nations by the British who devised their own basic law for the country, excluding from the Order in Council which created the form of administration such parts of the Mandate as did not conform with the favorite form of phraseology adopted by British legal draftsmen. What boots all this? That an immense mass of semi-legal and diplomatic verbiage is created, obscuring and befuddling everything!

The disingenuousness of the whole business is appalling. Here is a Mandate drawn up by the English Government which in the words of Lord Curzon, then Foreign Secretary, was to establish:

A place where the Jews could be assembled as a nation, and where they could enjoy the privileges of an independent national existence.†

Into that Mandate the British wrote such an apparently convincing and simple sentence as this: (Clause 2)

* Dr. Drummond Shiels, before the Permanent Mandates Commission Report, page 45.

† *Life of Lord Curzon*, by Earl Ronaldshay, Vol. III, p. 156.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Then the government proceeded to place Palestine under the Colonial Office, so that the land, its laws and even its finances are administered, directed and controlled by British imperialists. These gentlemen write all the codes, ordinances, regulations, and rules. Then, calmly, with great legal circumspection and all the mass of turgid verbosity which documents demand, they explain that under this code of their own devising they cannot do this, that or the other. To one bent upon moral ideals, a reading of the minutes of the Seventeenth (Extraordinary) Session of the Permanent Mandates Commission held at Geneva on June 2 to 21, 1930 to discuss the Palestine problem in all its phases, is heart-breaking, notwithstanding the fact that the document contains perhaps the ablest statement of the Zionist case by a non-Jew, and impresses

one with the obvious justification for all the complaints of the Jews.

For here we have the Permanent Mandates Commission, fulfilling that function which seems to us the great justification for the existence of the League of Nations as supervisor of the conduct of Mandatory Powers. Here we have the British Empire, great England through its "accredited representatives," using the language of self-complacency, of smug self-satisfaction, of beclouding phraseology, of avoidance and of evasion. The "accredited representatives" speak as though by some unforeseen accident England had gotten into Palestine, and then found itself inextricably mixed up with a "bunch of Arabs and Jews,"—none of whom knew what was good for themselves—and out of a benign interest in the public welfare, as part of the unspoken "white man's burden," it was doing all it could for these poor devils.

Not a word of British forthrightness in the British statements. Quibble and more quibble! We must make an exception. In school-boy language the Commission "rapped the British over the knuckles" for its policy and method of administration in Palestine. On August 2nd Arthur Henderson, Secretary of State for Foreign Affairs,

replied to the Commission at length. He did say what every man can understand—

. . . The report contains various charges, the substance of which would appear to be that the Mandatory Power has failed in important respects, to carry out the Mandate. In taking this view, the Mandates Commission appear to have accepted the more extreme Jewish contentions regarding the meaning and object of the Mandate. The duty imposed upon the Mandatory Power is not to establish the Jewish National Home in Palestine. This is the function of the Jews themselves, directed by the Jewish Agency. . . .

The further charge that His Majesty's Government have failed in their Mandatory obligations *vis-à-vis* the Arabs by neglect of agricultural and other development is one which His Majesty's Government feel they must deal with at greater length. The Mandates Commission seem to imply that a proper development policy would have so increased the general productivity, prosperity and contentment of the population as to reconcile the Arab section of the community to a progressively increasing inflow of Jewish immigrants. . . .
(page 152.)

This passivity towards the Jewish development evidently is the official connotation of the word "facilitate" in the Balfour Declaration.

Nevertheless we are grateful to Mr. Henderson. We, who admire the British people, who still have faith in their desire to do right and act justly, are trying to understand the British Government, which, in all this business, is nothing but a cloak for the Colonial Office. We understand from Mr. Henderson and the Shaw Report that there are three degrees of "extremeness" with regard to the Balfour Declaration. The London *Jewish Chronicle* is extreme because it stresses *Jewish National* in the phrase Jewish National Home; Vladimir Jabotinsky is extreme because he stresses *Home* in the sentence; and all other Zionists are extreme because they believe Great Britain has distinct obligations towards the development of the Jewish National Home.

Mr. Henderson, however, was not "playing cricket." He hit back because the Permanent Mandates Commission had said in paragraph six of its summation: (page 142)

The Jewish National Home, so far as it has been established, has in practise been the work

of the Jewish organisation. The Mandate seemed to offer other prospects to Jews. It must be recognised that their charge against the Palestine Government that it has not fulfilled, by actual deeds, the obligation to encourage the establishment of the National Home, has been notably reinforced by the fact that the government has shown itself unable to provide the essential condition for the development of the Jewish National Home—security for persons and property.

But the British Government became far more excited because the Commission dealt at length with Parliamentary Under-Secretary Dr. T. Drummond Shiels' statements to it and thus came to some pertinent conclusions which we venture to suggest are the cause of the Passfield-Ramsay MacDonald inversions of the Mandate objectives. We reproduce this section of the report in extenso, even to its paragraphing:

"This firm intention on the part of the Mandatory to carry out the Mandate in all its provisions was again strikingly asserted in a speech by the Prime Minister in the House of Commons on April 3, 1930. The Mandates Commission particularly notes the following statements in this speech, an extract from

which appears at the head of the White Paper of May, 1930:

'His Majesty's Government will continue to administer Palestine in accordance with the terms of the Mandate as approved by the Council of the League of Nations. That is an international obligation from which there can be no question of receding.

'Under the terms of the Mandate His Majesty's Government are responsible for promoting "the establishment in Palestine of a National Home for the Jewish people, it being clearly understood that nothing shall be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country."

'A double undertaking is involved, to the Jewish people on the one hand, and to the non-Jewish population of Palestine on the other; and it is the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the declaration, and to do equal justice to all sections of the population of Palestine. That is a duty from which they will not shrink, and

to the discharge of which they will apply all the resources at their command. . . .’

“At the Extraordinary Session, the accredited representative of Palestine in the Commission used language no less specific. In his first statement on June 3rd, Dr. Drummond Shiels said:

‘We are committed not only to the establishment in Palestine of a National Home for the Jewish people, but also to the preservation of the civil and religious rights of the non-Jewish communities in the country. It is sometimes said that the two parts of this obligation are irreconcilable. We believe that they can be reconciled, and must be reconciled.’

“Again, in the course of his final statement to the Commission on June 9th, the accredited representative said:

‘We do not consider that the events of last August—deeply regrettable as we feel them to be—prove that the general lines of our Palestine policy are wrong, or require revision. . . . We are, from our experience, fully aware of the difficulties inherent in the Mandate. I have already stated that we do

not believe that these difficulties are insuperable, but that they can and must be overcome.'

"From all these statements, two assertions emerge which should be emphasised:

'(1) That the obligations laid down by the Mandate in regard to the two sections of the population are of equal weight.

'(2) That the two obligations imposed on the Mandatory are in no sense irreconcilable.'

"The Mandates Commission has no objection to raise to these two assertions, which, in its view, accurately expresses what it conceives to be the essence of the Mandate for Palestine, and ensure its future.

"The Commission is, however, of opinion that, in the interest of the restoration of a peaceful atmosphere in Palestine, the time has come to define the legal foundation of the first of these assertions.

"In the Commission's view, interpretations of the Palestine Mandate have too often confused two quite separate matters, namely:

'The objects of the Mandate'—and—

'The immediate obligations of the Mandatory.'

"Considering only those clauses of the Mandate which form virtually the whole subject of the controversy, the *objects of the Mandate* are:

'The establishment of the Jewish National Home.

'The establishment of self-governing institutions.'

"The Mandate fixes no time-limit for the accomplishment of these objects, which is only common sense, because the event will depend on numerous circumstances over which the Mandatory has no control. Even the most energetic action and the employment of immense financial resources cannot alone achieve the establishment of the Jewish National Home, which is dependent upon economic factors; and no political guidance, however enlightened and however effective, can develop, except in process of time, that political maturity without which the winning of complete *de jure* independence by a people is a mere illusion.

"The *immediate obligation* of the Mandatory is defined in the Mandate in the following terms:

'(1) Placing the country under such . . . conditions as will secure the establishment of the Jewish National Home.

'(2) (Placing the country under such conditions as will secure) the development of self-governing institutions.'

"Between the two terms of this obligation the Mandate recognises no primacy in order of importance and no priority in order of execution.

"It would be unfair to make it a complaint against the Mandatory that eight years after the entry into force of the Mandate, Palestine has not yet been granted a régime of self-government; and it would be equally unfair to reproach the Mandatory because the Jewish National Home has not yet reached its full development. Those are the objects of the Mandate, and it is not one of the Mandatory's obligations to bring them to immediate completion. The Mandatory's immediate obligation is solely to create and maintain in Palestine general conditions favourable to the gradual accomplishment of the two objects of the Mandate." *

* League of Nations Permanent Mandates Commission, Minutes of the Seventeenth Session, Geneva, 1930, p. 144-5.

It is true that the Palestine Order-in-Council issued on September 1, 1922, setting up a Government in Palestine, was technically a child of the British Foreign Jurisdiction Act, but it is equally true that the code applied in Palestine in spirit, letter and manner is that of the possessive Crown Colony system.

The whole issue as it has suddenly presented itself to the public mind, turns upon a Passfieldian purblindness, which Mr. MacDonald in his statement (already quoted) has also adopted. In the White Paper it is thus set forth:

Attempts have been made to argue in support of Zionist claims that the principal feature of the Mandate is the passage regarding the Jewish National Home and that the passages designed to safeguard the rights of the non-Jewish community are merely secondary considerations qualifying to some extent what is claimed to be the primary object for which the Mandate has been framed.

This is a conception which His Majesty's Government have always regarded as totally erroneous.

This is the climax of all the administrative acts leading to the *Great Betrayal*. It is this disingenuous, unfair, unfaithful and wilful misinterpretation

tion of the objects of the Mandate, which dictates the policy proposing to clamp down and crush the great Jewish effort.

The shape of the wards in the key, the weight of the tumblers in the lock are in themselves interesting—but the great all-impelling motive for protest is that, by inverting the reasons for the Mandate, the present Labor Government flaunts the truth and is recreant to British honor.

To avoid the semblance of Zionist hypersensitiveness, we turn to the London *New Statesman* (October 25, 1930) for a British review of this British Government policy.

If their policy is indeed right, if what they propose in the White Paper is the best they can do, then not only Jews, but a great many Gentiles as well, must feel a profound disappointment. For the policy, stripped of all its trimmings, means at best a deplorable set-back to the experiment in Palestine and at worst an admission that the experiment is hopeless.

We have already made it clear that the conditions of Palestine were fully familiar to the British at every stage of the formulation of the Balfour Declaration and the issuance of the Mandate. But in further proof of this we quote the Arab grievances as summarized by British

officials in the Report of the Commission of Inquiry into the Disturbances in May 1921: (page 51).

- (a) That Great Britain, when she took over the administration of Palestine, was led by the Zionists to adopt a policy mainly directed towards the establishment of a National Home for the Jews, and not to equal benefit of all Palestinians.
- (b) That in pursuance of this policy the Government of Palestine has, as its official advisory body, a Zionist Commission, bound by its ideals and its conception of its rôle to regard Jewish interests before all others, and constituted by its singular prerogatives into an imperium in imperio.
- (c) That there is an undue proportion of Jews in the Government service.
- (d) That a part of the programme of the Zionists is the flooding of Palestine with a people which possesses greater commercial and organising ability than the Arabs, and will eventually obtain the upper hand over the rest of the population.

- (e) That the immigrants are an economic danger to the population because of their competition, and because they are favoured in this competition.
- (f) That immigrant Jews offend by their arrogance and by their contempt of Arab social prejudices.
- (g) That owing to insufficient precautions immigrants of Bolshevik tendencies have been allowed to enter the country, and that these persons have endeavoured to introduce social strife and economic unrest into Palestine and to propagate Bolshevik doctrines.

In explanation of (c), the report continues: "The Arabs urge that the Legal Secretary is a Jew well known as an ardent exponent of Zionism." As the fact still applies we assume this grievance also still stands. The Arabs, except for raising the Wailing Wall issue, have been unwavering in their protests both as to the character of their grievances and in their opposition to the existence of the Balfour Declaration. The report of 1921 resulted in the Churchill White Paper and the whittling down of Jewish rights. The August, 1929 riots resulted in the Shaw Commission which laid the

foundation for this new White Paper. That report said: (page 142) "There is . . . an urgent need for a statement of policy which should be expressed in the clearest terms," and added:

It is indeed, in our view, desirable that the position should be defined still more clearly. Both the Zionist Organization and the Palestine Zionist Executive, as is not unnatural, tend to construe in the widest possible sense the advisory and other functions assigned to them by Article 4 of the Mandate for Palestine.

That was the preliminary. The next step was to send out Sir John Hope Simpson to draft a report that would agree with the contentions manifest in the graph we reproduce (page 87). The inversion, administratively proposed, was buttressed by inverting the Balfour Declaration and ignoring its preamble as well as that of the Mandate. All of this was foreshadowed in the Shaw Report. Mr. MacDonald has not acted in haste, nor Lord Passfield impetuously. The Shaw Report was issued in March and then not hurriedly. The case was set forth clearly in that report (Chapter XI, pages 136-7).

After quoting from the preamble to the Balfour Declaration its "sympathy with Jewish

Zionist aspiration," it proceeds to consider if these words "in Lord Balfour's letter can have no other meaning than that, when they authorised the issue of the Declaration, His Majesty's Government intended to associate themselves with Zionist aspirations": (page 136)

If such an argument is well founded and all the implications which follow from it are accepted, the intention of the Balfour Declaration would be clear beyond question and administration carried out under the Mandate would presumably be guided by that intention.

Looking back to Balfour's, Curzon's and other interpretations, which have already been cited, there can be no question that the intent was in the preamble. But says the report:

Read the whole Declaration how you will it is a guarded statement. But it may be read in two ways.

Was it intended to be read in two ways? Is not that a suggestion of duplicity and intentional casuistry the gravest ever publicly made by a Government Commission to its own Government? The thing is almost unimaginable. But the report runs smoothly on: (page 137)

Upon one construction the second aspect of the policy—the maintenance of the Arab and religious rights of the existing non-Jewish communities in Palestine—is an overriding condition, on the absolute fulfillment of which every active step in the creative aspect of the policy is to be contingent. But upon another construction the first aspect of the policy takes precedence, there would be a binding obligation on His Majesty's Government to pave and prepare the way for the establishment of a Jewish National Home in Palestine and the second aspect of the policy would be of minor consideration. Between these two constructions there lie a wide variety of interpretations depending only on the degree of importance which is attached to the two aspects of the Declaration.

For these sentences we give thanks. They are the most frank and simple that have come from Colonial Office pens. They remind us of the street vendor's pretended impersonality in offering his wares—"Yer pays yer money and yer takes yer choice." Yet even he would barely venture to say "upon one construction the *second aspect* of the policy . . . is an overriding condition." Such casuistry is not for the common man. He

could not with equanimity maintain "upon another construction *the first aspect* of the policy takes precedence."

The Shaw Commission told the British Government that the Balfour Declaration could if necessary be read backward as well as forward. By its discussion and its graphs on immigration, it moreover showed the British Government how the Jewish National Home could be checkmated, "crystallized" or paralyzed—these words in this case all have the same meaning. This statement of policy, by inverting the Declaration, was to provide the public justification for a monstrous act of public betrayal. Such an inversion was not anticipated when Lord Balfour, Mr. Lloyd George and General Smuts last December addressed a remonstrance to the British Government on its failure to maintain public order in Palestine in 1929.* It had not been anticipated by the Premier in the assurances he gave the Council of the League of Nations immediately after the riots, nor when in October, 1929 he spoke reassuring words in New York to an American Jewish delegation. In fact there was considerable gossip in London and in the United States, that what became the Shaw Commission would be headed by General Jan Smuts. The riots

* See Appendix V, p. 219.

provoked a storm of indignation. There was no mincing the suspicion that British officials in Palestine had connived at the outbreak, which, however, so ran the thought, went beyond their discreet desire to expose the impossibility of the Jewish National Home. It became necessary in Colonial Office interests to "whitewash" British Colonial officialdom. That would be best accomplished by secret sessions as in 1921, for the official report of those riots has never been made public.

Pressure forced a compromise. Some sittings were held in public; some in camera. Several important facts leaked out. 1—The Grand Mufti had been convicted in the 1921 riots and exiled. 2—He was on the Palestine Police black list. 3—He was in virtue of his office, which is not a purely ecclesiastical office, on the British payroll. 4—While the Shaw Commission treated him as some great religious potentate, the equivalent of a Pope, Mr. Luke as Acting Governor of Palestine admitted that, prior to the inquiry, he had not treated him with such distinguished courtesy, but had sent for him as for any subordinate. 5—That prior to the riots, High Commissioner Chancellor had been carrying on negotiations with the Arab Executive, was to an extent compromised and after the storm broke withdrew from his engagements with great formality.

A smoke screen was provided immediately after the riots by a virulent pro-Arab agitation in England and in the United States, conducted mostly by Syrian Christians financed by non-Moslems. A typical intriguer named St. John Philby, now a convert to Islam, appeared in Jerusalem, ostensibly representing the non-Palestinian Arabs, with a plan to put an end to the whole issue by the creation of a constitutional assembly—a legal way, if enacted, of “crystalizing” the Jewish National Home. Sentimentalism stirred sympathy everywhere for this panacea. But the Jews, save for a handful of innate compromisers, would none of it. The Shaw Commission had therefore to go on. It exceeded its instructions in order to provide the basis for a new policy. Its findings met with dissent from its one non-legal member, Harry Snell. There was a clamor for the publication of the evidence on which the Commission purported to base its report. The Colonial Office began to fumble. It was still explaining why it had not printed the evidence, when the matter came before the Permanent Mandates Commission in June. Even then it withheld the evidence given in camera on grounds suggesting that England was afraid of an attack in Palestine by some foreign power. The Permanent Mandates Commission was

scornful of the excuse and it went searchingly into what was before it. Its members, men of experience in colonial administration in various parts of the world, declined to accept Dr. Drummond Shiels' or Mr. Luke's superficial but wordy explanations of what had happened or why it had happened in Palestine. This attitude was in no way anticipated by the Colonial Office. Dr. Shiels was repeatedly pressed to state whether, in view of the situation, the Mandatory Power proposed to pursue a new policy. He had to justify the Premier's statement to the League Assembly on September 3, 1929:

There is no racial conflict in what happened in Palestine the other day . . . there is no conflict between Jews and Arabs.

And to the Shaw Report's statement that the racial conflict dominated the situation. Dr. Shiels answered that:

Mr. MacDonald speaking immediately after the disturbances had not the advantage of knowledge that subsequently became available.

Dr. Shiels on the question of a new policy answered over and over again that no new policy was intended. He had the official plausible interpretation of the "suspension of immigration."

He was certain that there was no fundamental change in prospect. All the large problems were pushed back. Decision had to await Sir John Hope Simpson's report. The Mandates Commission was not deeply impressed. It listened to Dr. Shiels who interpreted the Commission's unspoken thought as: (page 85)

"There is going to be a new policy but the British Government have not yet made up their minds about it. . . ." I want to say quite clearly and definitely that there is *no* new policy; [the italics are in the original] there is no secret to be disclosed and that the British Government stands today where it did when it accepted the Mandate and its policy is the same.

The Commission was not satisfied. It pointed out that England had a positive obligation to do more than "constantly to act as an umpire."

The Colonial Office was irritated by the Commission's findings. The Foreign Secretary replied for it and subsequently apologized to the League for his public resentment. England had to go forward or go backward in the conduct of the Mandate. Brave men repent their errors. The Colonial Office determined to justify itself. We do not know how many times the Hope Simpson report

was revised. We do know that the Colonial Secretary on August 22nd told Mr. Felix M. Warburg that he proposed to pursue a policy, which is neither that of the Hope Simpson report nor that of Lord Passfield's White Paper. Lord Passfield must have seen the Mandates Commission report before it was public property and before Foreign Secretary Henderson wrote his response on August 2nd.

In other words we can almost date the decision on the part of the Colonial Office to hit at the Mandates Commission, to strike at the fundamental structure of the Jewish National Home and to attack the Jewish Labor Federation in Palestine, which because of its economic attitude was presumably enjoying the friendship and coöperation of the Labor Government. The decision, not long in the making though in practice long pursued, was an administrative secret to about October 10th. Otherwise the Hon. Harry Snell would not have prepared in London the address he delivered in Washington before the American Jewish Congress, on October 19th in which he declared:

The essential instruction in the Mandate is to . . . "Place the country under such political administrative and economic conditions as

will secure the establishment of the Jewish National Home." This is indeed, the main purpose of the Mandate and the apparently contradictory phrases to this instruction would appear to be purely subordinate and precautionary.

He held those opinions. He still holds them. But the Parliamentary Chairman of the Labor Party would not have traveled to America to enunciate these opinions on October 19th, if he knew they were to be hopelessly reversed on October 20th, in fact that the contradiction had already been categorically set down by his official associates of the Labor Party.



THE "CRYSTALLIZATION" PROCESS

WE HAVE avoided discussion of the Hope Simpson report. Qualified experts are undoubtedly prepared to disprove and contradict the findings and conclusions of this particular expert around whom Lord Passfield has thrown the aura of governmental omniscience. Sir John Hope Simpson has spoken neither the first nor the last word on Palestine. Further, the form of restriction is of no great moment if the Jews are in Palestine on sufferance and not of right. If the primary object of the Mandate for Palestine is that the Mandatory shall see to it that every "fellah" shall possess 130 dunams of land, then a haggling debate as to the available area of land or as to the cutting off of Beersheba by Sir John Hope Simpson from the land resources of Palestine, has neither merit nor purpose. The expert's information, or his advice on the technique to be applied in checking both immigration and land purchases, may here and there illumine a

point, but only the White Paper which proposes to tell the world what the Mandatory purposes in Palestine is of vital importance.

Lord Passfield tells us that this "statement of policy" has been framed after very careful consideration "of Sir John Hope Simpson's report." We have very little doubt from the structure of the sentences of both the constructive and destructive phases of this statement, that, whoever the author is, having determined that he would once and for all time tell the Jews how insignificant and unimportant they are in the scheme of things Palestinian, he proceeded to pen it with meticulous care. There are no ambiguities in this document. There is nothing in it that is vague, doubtful or capable of misconstruction. We are glad of this. Accepting its major premise that the rights of the non-Jewish population take precedence and are superior to the establishment of the Jewish National Home, it goes on its way logically, determinedly and definitively. The statement enters the lists, armed with the authority of government, to undo and eventually destroy the Jewish National Home in Palestine.

The first consideration in the White Paper is the interpretation of the Mandate. With this we have dealt at length. We differ with Lord Passfield not only as to his interpretation of the Bal-

four Declaration, but we have quoted the Permanent Mandates Commission at some length, (see pages 125-130) because, as we understand this text, the White Paper by gouging a quotation out of its context (compare Appendix VII page 257) misinterprets the Mandates Commission's views. If doubt remains as to what the Mandates Commission meant as to the objective and immediate purpose of the Mandate then the Jewish case must inevitably find its way back to the Commission, and if necessary to court after court, until the issue is rightfully settled.

The Jewish people have engaged themselves in Balfour's fine phrase upon a "great adventure" because they believe with that statesman, "that the case of the Jews is absolutely exceptional, and must be treated by exceptional methods." To protect themselves, to guard others—Jews fearing "the great adventure," Jews opposing it—to make their position clear to the Arab people, to deal with them in that spirit of non-alienage which the Bible so forcibly teaches, and which the American Zionists so freely incorporated in the Pittsburgh Program of 1918, the Zionist leadership suggested, drafted and helped to re-draft the subordinate and protective clauses of the Balfour Declaration.

Denying this principle the White Paper proposes:

1. To set up a legislative council.
2. To help settle every landless Arab on adequate land.
3. To restrict land sales to Jews.
4. To minimize Jewish immigration.

Stated thus baldly the intent is to paralyze, in practice, the Jewish development the theory of which it is sought to cancel. The principle which is denied cannot be confirmed by a ten or twenty per cent modification of its technical severities. Of these four policies, only one, the restriction of Jewish immigration, can be enforced. In the year 132, Hadrian said he would put Jerusalem to the plow. He did infinite damage: but even Caesar could not work his will against Judea.

Let us briefly review these four proposals:

1. The Jewish Council of Palestine has already refused to participate in the Legislative Council, and the Moslems too are "dissatisfied with the Legislative Council offer which they contend does not meet nationalist aspirations." *

The Passfieldian phrase, "steps will be devised to ensure the appointment of the requisite number of unofficial members to the Council in the

* *New York Times*, Nov. 9, 1930, p. 4E.

event of one or more members failing to be elected on account of the non-co-operation of any section of the population, or for any other reason,” is pointless. The plan thus satisfies neither Jews nor Arabs. The authority of a Council appointed by the Mandatory will alter neither the status of the Mandatory government in Palestine nor influence the attitude of the inhabitants towards it. Where democratic or representative institutions are introduced as laws superimposed, they suffer invariably the fate of all such legislation.

2. The Mandates Commission's report shows that last June there was considerable doubt even in the minds of the British “accredited representatives” as to how many Arab “fellahin” had been dispossessed by the Jewish purchases of land. It is now claimed that “29.4 per cent are landless. It is not known how many of these families who previously cultivated have since lost their land.” It is hoped to establish the fact from the proposed census. Statistics will not deal with the imponderable drift from the villages to the cities which is in process in Palestine, as elsewhere. A census will not ascertain how many of the “fellahin” are semi-nomadic, moving one year to Trans-Jordan and another to Syria, a fact of the social-economic history of the coun-

try. Nor will a census prove as a matter of factual truth which of all the now landless, ever possessed land. The cadastral survey was begun in 1925 and it is still in process. Its slow operation suggests the impossibility of putting such policies into serious practice. The Mandatory, if it attempts to carry out this policy, is inviting at least a decade of clamor, just as our American pension laws have produced new claimants for several generations. But the attempt to provide all the landless Arabs with land will achieve one result, it will put up the price of Palestinian land and at the same time increase the number of sellers. This leads to the third point in this "crystallization" program.

3. The restriction of land sales can only be made effective by Jews refusing to buy Palestinian land. In 1918 the American Zionists urged as a matter of social justice that the substance of the Single Tax Theory be applied to Palestinian land values. In 1920 and 1921, as already pointed out, the government of Palestine introduced Land Transfer Ordinances to check land sales. The ordinances failed because of Arab opposition. In their judgment the effect * would be to lower

* Report of the Commission on Palestine Disturbances of August, 1929, 114-5, which illustrates the fact that the fellahin quit their lands even before the transfer of land was registered.

prices. They wanted to sell and at high prices. “The cultivator . . . was getting a certain sum of money, and away he went, and when the transaction came to us (the district office) we found no tenants in the village.” The Jews were not ousting Arabs in 1921. The Arabs wanted to go. The Arab answer in 1930 to Lord Passfield is identical. They “object particularly to the restriction of land sales—which would be ruinous to the feudalist interests of the Effendis.”* The Arab agitation is conducted by the Effendi class. But they stand not alone, either as agitators or as would-be sellers of land. If we mistake not, the only result of the grants to Arabs of the Beisan state lands was that the owners wanted to sell their newly acquired property to Jews. The government will not and cannot enforce an ordinance of this kind. All that it can accomplish is to raise the sale price. The Arabs will sell their lands surreptitiously and as public Jewish and Zionist organizations will not participate in clandestine purchases, the secret sales will be effected by individuals who will buy on secret contract for private gain. The plan is a repetition of the system that prevailed during the Turkish régime. If the Jews had not demanded clear titles and registration of sales, they would

* *New York Times*, Nov. 9, 1930, p. 4E.

today own four times as much as they do. As sale or purchase of land depends largely on immigration, we proceed to the most serious of the proposed enactments.

4. Immigration restriction. It matters in our judgment little whether the restriction of Jewish immigration is effected by the aid of such a phrase as the "economic absorptive capacity of the land" or on the basis of existing Arab unemployment. The May, 1930, "suspension" of certificates was a political act. "Suspension" was merely a verbal disguise for restriction. Lord Passfield says not a word about restricting Arab immigration into Palestine:

The economic capacity of the country to absorb new immigrants must therefore be judged with reference to the position of Palestine as a whole in regard to unemployment. . . .

and he adds

Clearly if immigration of Jews results in preventing the Arab population from obtaining the work necessary for its maintenance, or if Jewish unemployment unfavourably affects the general labour position, it is the duty of the Mandatory Power under the Mandate

to reduce, or, if necessary, to suspend, such immigration until the unemployed portion of the “other sections” is in a position to obtain work.

The subordination of the Jewish National Home in the scheme of things Palestinian is thus made very clear. The restriction of Jewish immigration can be made effective. The Jews come into Palestine mostly through two ports, Jaffa and Haifa. A small percentage come by rail and pass through the control station at Kantara. All of Southern, Eastern and Northern Palestine lies wide open. There is nothing to check the movement of people across the Tih desert, or of crossing the Arabah, or fording the Jordan, or walking leisurely across the innumerable passes that stretch across the country to the north. To guard the frontiers in this respect would probably double the cost of Palestinian administration. Because the Jews come across the sea and are not desert wanderers, the Jews alone can be stopped from entering Palestine. That way the “great adventure” can be ended. Yet Sir John Hope Simpson says:

In many directions Jewish development has meant more work for the Arabs, and it is a fair conclusion that the competition of im-

ported Jewish labour is equalised by those increased opportunities.*

This expert estimates the unemployment in Palestine in June as 1,300 Jews and 2,600 Arabs. We do not pose as social or economic statisticians. Yet as a matter of simple arithmetic, if the same proportions held good elsewhere there would have been in June no more than 475,000 persons unemployed in the United States and not half that number in England. We believe there has not been a day in the history of the United States or of England that so small a percentage of the population has been unemployed as these portentous official figures reveal. We are prepared to believe that the actual Arab unemployment in Palestine is much larger.

Excepting a comparatively small group of artisans in the cities, the whole population of Palestine prior to the issuance of the Mandate were at best engaged in seasonal occupations. The poverty of the country was a byword, as the sterility of its soil was its reproach. Beggars innumerable, young and old appealing for *bak-sheesh*, at every port of entry, at every street corner, at the door of every synagogue, mosque

* Palestine. Report on Immigration, Land Settlement and Development, by Sir John Hope Simpson, C.I.E., 1930, p. 132.

or church, and at every shrine, made a distressing human spectacle which every traveler painfully noted. The anxiety of every Arab to turn local guide for the passing tourist impressed the visitor. The general non-occupation of all male adults dominates every travel book written up to the beginning of the World War.

We willingly accept the compliments to Jewish achievement in Palestine paid by the Permanent Mandates Commission, and even by Sir John Shuckburgh and Mr. Luke. But we are not prepared to believe that the Jewish effort has in one decade reduced the unemployed Arabs to 2,600 out of a population of 692,195. Seeing that in all labor every member of the typical Arab family, including women and children, works under the supervision of the father, creating a labor class in Palestine far in excess of what prevails elsewhere, we are not prepared for the astonishing economic miracle ascribed to the Jewish national impetus. For there is no other pressure to effort in Palestine than that which arises out of the creative attempts of the Jewish people, and from the money they bring into the country for that purpose.

Elijah's cruse of oil helped only one widow. The Jewish National Home has found occupation according to Sir John Hope Simpson for all

but 2,600 Arabs. Yet, the motive being what it is, the advance guard of Jewish settlers must wait the job-finding ability of these 2,600 Arabs. The White Paper, ignorant either of Palestinian life, or purblind as to the obvious implications of the testimony offered by the government's own expert, proceeds to shut the door to Jews and to Jewish hope. To quote from it what is said in another context but applies fully to this point:

So long as widespread suspicion exists, and it does exist, among the Arab population, that the economic depression, under which they undoubtedly suffer at present, is largely due to excessive Jewish immigration, and so long as some grounds exist upon which this suspicion may be plausibly represented to be well founded,—

so long must the British government deny the Balfour Declaration by "suspending" Jewish immigration.

It is not the task, of this book, to solve the problem of the relations of the Jews and the Arabs in Palestine. Whatever thoughts men have gathered on this subject have been frustrated by dropping the Damoclean sword on the heads of the Jews. But in view of the White Paper, we feel it incumbent to observe, as was admitted in

1921, that the Arab opposition is first and foremost to the Mandatory. The pan-Arabs want no Christian power in Asia Minor, just as the Hindus object to the presence of England in India and, without going into the mazes of the Arab-Islamic question which rages from Egypt to India, it is obvious that British imperialism is supporting Arab pretensions in Palestine in order to maintain the sympathy of the Moslems in India. Palestine is thus a pawn in the game of British imperialism—not a Mandated area.

There are unquestionably Arabs in Palestine who object to the presence of the Mandatory on local national grounds, a problem that Great Britain has created independently in Egypt by a policy somewhat similar to that which she proposes to set in motion in Palestine. In any of these broad aspects the Arab objection to the Jew is not *qua* Jew, but as the cause, through the Balfour Declaration, of the presence of the Mandatory in the country. Hence the Arab demand for nullifying of the Declaration, as a means of ridding the country of the Mandatory and its administrative system.

So much being justly predicated, the Arab demand for a parliament is not a yearning for democracy,—on the democratic basis Jerusalem would now have a Jewish mayor and town coun-

cil—but the forging of a weapon by which to expel the Mandatory through refusing to vote “supplies.” The Arabs do not want to pay for good roads, hygiene, etc. They have no interest in these matters. The condition of any Arab village or municipality where there is no Jewish settlement betrays the Arab unconcern for improvement and amelioration. In this sense the Jews with their higher demands are an intrusion and an excuse for undesired taxation and administration. In this sense, though the Jews bear the larger burden of the taxation of the country, they are undesired by the Arabs.

On the other hand the Arabs do want the Jews in Palestine. They want to sell their lands and they have no other customers. They want to sell the lands and their attachment to any given piece of soil only serves as an argument for raising prices. The history of Palestine is that of intermittent and not continuous settlement. Laurence Oliphant knew of no rights of the population that were acknowledged by the Turkish government in 1880.* Then and ever since the Arabs have been

* “It is worthy of note that when I submitted a scheme for colonizing this region to the government at Constantinople, the difficulty of dealing with the Arabs was never once suggested as an objection, nor did the nomad population seem in the eyes of the government to possess any prescriptive rights which should interfere with the purchase of this country by immigrants.”—Laurence Oliphant, *Land of Gilcad*, 1880.

anxious to sell their lands. This applies categorically to the men agitating against the Jewish National Home and the Mandate. The Arab position is therefore far from clear or simple. The value of their land depends not upon a Jewish buyer, but upon the existence of 16,000,000 Jews interested in buying Palestinian soil. Close the gates upon Jewish immigration, shut out the Zionist hope, and the Arabs in Palestine will be impoverished beyond redemption within a very few years. Being neither guileless nor stupid the Arabs know this. That is why they protest against the projected checking of land sales. They know the present sale price is equivalent to the possible returns to them, per dunam, of working the land for all their laboring years. Naturally if they could sell all of Palestine to the Jews, and we have little doubt they would, even the Wakf or ecclesiastical lands, and keep the Jews from increasing in numbers, the handful of Arab politicians would amass wealth and govern the country. They “want to have their cake and eat it.”



WE REST OUR CASE

WE HAVE not hesitated, painful as it is, to attack Great Britain, to call Lord Passfield's White Paper and Mr. Ramsay MacDonald's championing of it—the Great Betrayal. We believe we have fairly traced the process in administrative methods which in the end require for their justification a declaration of policy that is an inversion of the purport of the Balfour Declaration. We have not employed any forensic art to prove the justice of a cause that needs no such methods of defense. "Thrice armed is he who hath his quarrel just."

We feel that the Jewish people have been deeply wronged. They are put in this matter in a false position towards the Arabs, and towards the world at large, whose good opinion they value—which, listening to the voice of Government, is more than prone to believe that the Jews are claiming too much. They are wronged, too, in the especial sense that their faith—that of all Jews

was in England and therefore, if England wrongs them, they are twice wronged.

We accuse Great Britain, in the persons of the Labor Government, of a great betrayal because her contract with the Jewish people was made in the sight of all men, and in agreement with the heads of all British Dominions, and with the Principal and Associated Powers allied in the Great War. The sacredness of all contracts, present and future, is in doubt, if one great state paper can be scrapped by changing the order and import of its sentences.

These are not words idly composed. When the Arabs, a year ago, in their agitation in this country, demanded the nullification of the Balfour Declaration, we protested to them, pointing out that they had nothing to gain from nullification. For if one international pledge could be freely broken, no other agreement would be of value to any people. In that sense, we, protesting against this breach of one trust, struggle for the inviolability of all public and international obligations.

We, lovers of the English people and of English ways, protest against this Great Betrayal of English honor premeditated and propounded by the Labor Government. One hundred and thirty years ago Sir Sidney Smith made the word of

England a bond more rich than gold throughout the Orient. What shall the Orient as well as the Western World say of a government that employs such casuistry as to suggest that it proposes to continue a given policy by reversing the sentences in a state document and so defend, support and champion an inverted and wholly contrary policy?

Are we wrong? Or are we right——

Have we evolved from our inner consciousness that explanation of what was intended by the Balfour Declaration and which convicts the Labor Government? The answer is not ours but the hand now stilled in death which penned the Balfour Declaration. We need no better, no clearer, no more complete witness. Against inversions, sophistry and casuistry we quote the full, lucid and complete answer made by Arthur James Balfour in London, in July, 1920, at the meeting held at the Royal Albert Hall, to celebrate the granting to and acceptance by Great Britain of the Mandate:

“The critics of this movement shelter themselves behind the phrase—it is more than a phrase—the principle of self-determination—and say if you apply that principle logically

and honestly it is to the majority of the existing population of Palestine that the future destinies of Palestine should be committed. There is a technical ingenuity in that plea, on technical grounds, I neither can nor desire to provide an answer. But the man who looking back on the history of the world, who does not see that the case of Jewry in all countries is absolutely exceptional, falls outside all the ordinary rules and maxims, cannot be contained in a formula or explained in a sentence—the man who does not see that the deep underlying principle of self-determination really points to the Zionist policy, however little in its strict technical interpretation it may seem to favour it, does not understand either the Jews or the principle. I am convinced that none but pedants or people who, prejudiced either by religion or racial bigotry, none but those who are blinded by one of these causes, would deny for one instant that the case of the Jew is exceptional, and must be treated by exceptional methods.”

We rest our case, confident of the verdict of the conscience of mankind.



THE GREAT ADVENTURE

AN ADDRESS delivered by Arthur James Balfour at the Royal Albert Hall, London, July, 1920, before the delegates of the Zionist Conference, at a meeting held in celebration of the granting to and acceptance by Great Britain of the Mandate:—

For long I have been a convinced Zionist. And it is in that character that I come before you today. But in my most sanguine moments I never foresaw, I never even conceived the possibility, that the great work of Palestinian reconstruction would happen so soon, or that indeed it was likely to happen in my own lifetime. This is one of the great and unexpected results of the world's struggle which has just come to an end—if indeed we dare to say it has completely come to an end. Of infinite evils that struggle has been the parent, but if among its results we can count the re-establishment in their ancient home of the Jewish people, at all events we can put to its

credit one great result, which in other circumstances, so far as we can see, could never have occurred at so early a date.

Who would have thought five or six years ago that a speaker in the Albert Hall would be able to count as an accomplished fact that the Great Powers of the world had elected to accept the Declaration to which Lord Rothschild has referred, had consented to give the Mandate to the country which at all events is in the forefront among those who desire to see this policy brought to a successful issue, and that they should already have seen appointed as the High Commissioner of Palestine a man who so admirably joins the double qualifications which Lord Rothschild has already so felicitously expressed? These are results on which we may all congratulate ourselves. Let us not forget, in our feelings of legitimate triumph, the difficulties which still lie before us. Those difficulties—I have no hesitation in dwelling upon them because I know you will overcome them—yet it is worth while to enumerate some of them, not to discourage you, but to raise your courage and resolution even to a higher pitch than they have already reached—among these difficulties I am not sure that I do not rate the highest, or at all events the first, the inevitable difficulty of deal-

ing with the Arab question as it presents itself within the limits of Palestine. It will require tact; it will require judgment; above all, it will require sympathetic good-will on the part of both Jew and of Arab.

So far as the Arabs are concerned—a great, and interesting, and an attractive race—so far as they are concerned, I hope they will remember that while we desire—this assembly and all the Jews whom it represents—under the ægis of Great Britain to establish this home for the Jewish people, the Great Powers, and among all the Great Powers most especially Great Britain, have forced them, the Arab race, from the tyranny of their brutal conqueror, who has kept them under his heel for many centuries. I hope they will remember it is we who have established the independent Arab sovereignty of the Hedjaz. I hope they will remember it, we who desire in Mesopotamia to prepare the way for the future of a self-governing, autonomous Arab State. And I hope that, remembering all that, they will not grudge that small niche—for it is not more geographically in the former Arab territories than a niche—being given to the people who for all these hundreds of years have been separated from it, but who surely have a title to develop on their own lines in the land of their forefathers.

This ought to appeal to the sympathy of the Arab people, as I am convinced it appeals to the great mass of my own Christian fellow-men in this country. This is the first difficulty, that can be got over and will be got over by mutual goodwill. The second difficulty, on which I shall only say a word, is that the critics of this movement shelter themselves behind the phrase—it is more than a phrase—the principle of self-determination, and say if you apply that principle logically and honestly it is to the majority of the existing population of Palestine that the future destinies of Palestine should be committed. There is a technical ingenuity in that plea and, on technical grounds, I neither can nor desire to provide an answer. But the man who, looking back on the history of the world, and more particularly of the more civilised portions of the world, who does not see that the case of Jewry in all countries is absolutely exceptional, falls outside all the ordinary rules and maxims, cannot be contained in a formula or explained in a sentence—the man who does not see that the deep underlying principle of self-determination really points to the Zionist policy, however little in its strict technical interpretation it may seem to favour it, does not understand either the Jews or the principle. I am convinced that none but pedants or people

who, prejudiced either by religion or racial bigotry, none but those who are blinded by one of these causes, would deny for one instant that the case of the Jews is absolutely exceptional, and must be treated by exceptional methods.

The third difficulty is of a wholly different order of magnitude and character. It is the physical difficulty. Palestine, great as is the place which it occupies in the history of the world, is but a small and petty country looked at as a geographical unity, and men ask themselves how in these narrow limits, to be traversed, where there are good roads from Dan to Beersheba by an automobile in an easy day's journey—they ask themselves how that can be made physically adequate to be a home for the self-development of the Jewish people. The problem presents difficulties, it presents no impossibilities. It presents difficulties which I myself should regard as overwhelming were we dealing with another people and with different conditions. But what are the requisites of such development in Palestine as may accommodate an important section of the great race that I am addressing? What are the two necessities? One is skill, knowledge, perseverance, enterprise. The other is capital. And I am perfectly convinced that when you are talking of the Jews you will find no want of any one

of these requisites. Of skill and knowledge and of what the most modern methods can teach in the way of engineering and agriculture, the Jewish race who have themselves contributed to the results can easily make themselves the master.

And when I consider capital I am not thinking of the great millionaires or the men of vast wealth belonging to the Jewish race—I doubt not they will do their duty. It is not of them I am thinking. I am thinking of the innumerable Jews in the poorest circumstances—I have heard authentic details of the way in which, out of their poverty, they are prepared to contribute to the success of this movement. The fourth and the last difficulty on which I want to speak is perhaps in some respects the greatest of all. This movement cannot be carried out except by idealists. No man who is incapable of idealism is capable either of understanding the Zionist movement or contributing effectually to its consummation. But idealism, though a necessary element in every great and fruitful policy, has its inevitable dangers. Your cynic, your man of narrow and selfish views, does nothing; your idealist does much. But he does not always do the right thing, and the very qualities which make a man sacrifice all that he has for an idea, very often blind him to that cool and calm judgment without which

great ideals cannot be brought to a true and successful fruition. I speak as a man who is not a Jew and necessarily therefore looks at the Jewish question from outside; but I should say that perhaps the danger that besets the Jewish race is not that they lack high idealism, not that they are reluctant to sacrifice everything to life itself, to see that ideal carried into effect, but that they are carried away by the vehemence of their own views, the depth and strength of their own convictions, and are unwilling to do that without which this and any other great movement cannot succeed, are unwilling to give that whole-hearted trust and confidence in their chosen leaders which, believe me, is necessary.

You are drawn from every nation under heaven. You come to London, or to any other great centre, with ideas absorbed from the populations among whom you have sojourned; you come, therefore, with many different mentalities, to use a familiar phrase; you come with many different theories as to the methods by which your common objects can be carried out. It only becomes dangerous by their insistence that the objects should be carried out precisely in the fashion which commends itself to them. Beware of that danger! I am sure it is the greatest danger which will beset you in the future. Now,

I have done with the gloomy task of enumerating difficulties. I have only one more word to say. We are embarked on a great adventure. And I say "we" advisedly, and by "we" I mean on one side the Jewish people, and on the other side the Mandatory Power for Palestine. We are partners in this great enterprise. If we fail you, you cannot succeed; if you fail us, you cannot succeed. But I feel sure that we shall not fail you, and that you will not fail us. And if I am right—and I am assured I am—in this prophecy of hope and confidence, then surely we may look forward with hope, and gaze on a future in which Palestine will, indeed, and in the fullest measure and degree of success be made a home for the Jewish people.



THE CHURCHILL WHITE PAPER, JUNE, 1922

THE Secretary of State for the Colonies has given renewed consideration to the existing political situation in Palestine, with a very earnest desire to arrive at a settlement of the outstanding questions which have given rise to uncertainty and unrest among certain sections of the population. After consultation with the High Commissioner for Palestine the following statement has been drawn up. It summarises the essential parts of the correspondence that has already taken place between the Secretary of State and a delegation from the Moslem Christian Society of Palestine, which has been for some time in England, and it states the further conclusions which have since been reached.

The tension which has prevailed from time to time in Palestine is mainly due to apprehensions, which are entertained both by sections of the Arab and by sections of the Jewish population.

These apprehensions, so far as the Arabs are concerned, are partly based upon exaggerated interpretations of the meaning of the Declaration favouring the establishment of a Jewish National Home in Palestine, made on behalf of His Majesty's Government on 2nd November, 1917. Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English." His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine. In this connection it has been observed with satisfaction that at the meeting of the Zionist Congress, the supreme governing body of the Zionist Organisation, held at Carlsbad in September, 1921, a resolution was passed expressing as the official statement of Zionist aims "the determination of the Jewish

people to live with the Arab people on terms of unity and mutual respect, and together with them to make the common home into a flourishing community, the upbuilding of which may assure to each of its peoples an undisturbed national development.”

It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organisation in Article LV of the Draft Mandate for Palestine imply any such functions. That special position relates to the measures to be taken in Palestine affecting the Jewish population, and contemplates that the Organisation may assist in the general development of the country, but does not entitle it to share in any degree in its Government.

Further, it is contemplated that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and it has never been intended that they, or any section of them, should possess any other juridical status.

So far as the Jewish population of Palestine are concerned, it appears that some among them are apprehensive that His Majesty's Government

may depart from the policy embodied in the Declaration of 1917. It is necessary, therefore, once more to affirm that these fears are unfounded and that that Declaration, reaffirmed by the Conference of the Principal Allied Powers of San Remo and again in the Treaty of Sevres, is not susceptible of change.

During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language, and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then, with its town and country population, its political, religious and social organisations, its own language, its own customs, its own life, has in fact "national" characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jew-

ish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection.

This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews.

For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume

as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment. Hitherto, the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000.

It is necessary also to ensure that persons who are politically undesirable are excluded from Palestine, and every precaution has been and will be taken by the Administration to that end.

It is intended that a special committee should be established in Palestine, consisting entirely of members of the new Legislative Council elected by the people, to confer with the Administration upon matters relating to the regulation of immigration. Should any difference of opinion arise between this committee and the Administration, the matter will be referred to His Majesty's Government, who will give it special consideration. In addition, under Article 81 of the draft Palestine Order in Council, any religious community of considerable section of the population of Palestine will have a general right to appeal, through the High Commissioner and the Secre-

tary of State, to the League of Nations on any matter on which they may consider that the terms of the Mandate are not being fulfilled by the Government of Palestine.

With reference to the Constitution, which it is now intended to establish in Palestine, the draft of which has already been published, it is desirable to make certain points clear. In the first place, it is not the case, as has been represented by the Arab Delegation, that during the war His Majesty's Government gave an undertaking that an independent national government should be at once established in Palestine. This representation mainly rests upon a letter dated the 24th October, 1915, from Sir Henry McMahon, then His Majesty's High Commissioner in Egypt, to the Sherif of Mecca, now King Hussein of the Kingdom of the Hedjaz. That letter is quoted as conveying the promise to the Sherif of Mecca to recognise and support the independence of the Arabs within the territories proposed by him. But this promise was given subject to a reservation made in the same letter, which excluded from its scope, among other territories, the portions of Syria lying to the west of the District of Damascus. This reservation has always been regarded by His Majesty's Government as covering the vilayet of Beirut and the independent

Sanjak of Jerusalem. The whole of Palestine west of the Jordan was thus excluded from Sir H. McMahon's pledge.

Nevertheless, it is the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine. But they are of opinion that, in the special circumstances of that country, this should be accomplished by gradual stages and not suddenly. The first step was taken when, on the institution of a civil Administration, the nominated Advisory Council, which now exists, was established. It was stated at the time by the High Commissioner that this was the first step in the development of self-governing institutions, and it is now proposed to take a second step by the establishment of a Legislative Council containing a large proportion of members elected on a wide franchise. It was proposed in the published draft that three of the members of this Council should be non-official persons nominated by the High Commissioner, but representations having been made in opposition to this provision, based on cogent considerations, the Secretary of State is prepared to omit it. The Legislative Council would then consist of the High Commissioner as President and twelve elected and ten official members. The Secretary of State is of opinion

that before a further measure of self-government is extended to Palestine and the Assembly placed in control over the Executive, it would be wise to allow some time to elapse. During this period the institutions of the country will have become well established; its financial credit will be based on firm foundations, and the Palestinian official will have been enabled to gain experience of sound methods of government. After a few years the situation will be again reviewed, and if the experience of the working of the constitution now to be established so warranted, a larger share of authority would then be extended to the elected representatives of the people.

The Secretary of State would point out that already the present Administration has transferred to a Supreme Council elected by the Moslem community of Palestine the entire control of Moslem religious endowments (Wakfs), and of the Moslem religious courts. To this Council the Administration has also voluntarily restored considerable revenues derived from ancient endowments which had been sequestered by the Turkish Government. The Education Department is also advised by a committee representative of all sections of the population, and the Department of Commerce and Industry has the benefit of the co-operation of the Chambers of

Commerce which have been established in the principal centres. It is the intention of the Administration to associate in an increased degree similar representative committees with the various Departments of the Government.

The Secretary of State believes that a policy upon these lines, coupled with the maintenance of the fullest religious liberty in Palestine and with scrupulous regard for the rights of each community with reference to its Holy Places, cannot but commend itself to the various sections of the population, and that upon this basis may be built up that spirit of co-operation upon which the future progress and prosperity of the Holy Land must largely depend.



THE MANDATE FOR PALESTINE

THE Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political

status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1.

The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Article 2.

The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Article 3.

The Mandatory shall, so far as circumstances permit encourage local autonomy.

Article 4.

An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to

the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Article 5.

The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Article 6.

The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Article 7.

The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Article 8.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 9.

The Mandatory shall be responsible for seeing that the judicial system established in Palestine

shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

Article 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Article 11.

The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of pro-

moting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

Article 12.

The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Article 13.

All responsibility in connection with the Holy Places and religious buildings or sites in Palestine,

including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Article 14.

A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be

appointed or enter upon its functions without the approval of the Council.

Article 15.

The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Article 16.

The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such

bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Article 17.

The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Article 18.

The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (in-

cluding companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Article 19.

The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or

which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Article 20.

The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Article 21.

The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archæological research to the nationals of all States Members of the League of Nations.

(1)

“Antiquity” means any construction or any product of human activity earlier than the year 1700 A. D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent of lands which might be of historical or archæological interest.

(7)

Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 22.

English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Article 23.

The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Article 24.

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Article 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the

League of Nations to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Article 26.

The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Article 27.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 28.

In the event of the termination of the mandate hereby conferred upon the Mandatory, the

Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

Certified true copy:

SECRETARY-GENERAL.



A DEFENSE OF THE MANDATE

Speech delivered by the Earl of Balfour, as the Lord President of the Council, on June 21, 1922, in the House of Lords on a Motion introduced by Lord Islington, proposing that Great Britain should not accept the Mandate for Palestine.

MY LORDS,—I am sorry that I was not present at the opening remarks of my noble friend who has just sat down. I was unavoidably detained by circumstances which your Lordships will easily conjecture, and I could not be in my place when my noble friend rose. I understand that he began his speech with some very kindly remarks about myself. I wish I had heard them, and I have no doubt that they would have given me at least as much pleasure as any other part of the powerful speech which he has just delivered; but he will take my thanks, although I was not actually an auditor of what he said. I do not think that I have lost any essential points of my noble

friend's case. As I understood him, he thinks, in the first place, that the Mandate for Palestine is inconsistent with the policy of the Powers who invented the mandatory system, who have contrived the mandatory system, and who are now carrying it into effect. That is his first charge. His second charge is that we are inflicting considerable material and political injustice upon the Arab population of Palestine. His third charge is that we have done a great injustice to the Arab race as a whole.

I should like to traverse all those statements. Let me take them in the order in which I have named them. I think it must have occurred to my noble friend, when he was giving us an account of the transactions during the war and up to the end of the negotiation of the Treaty of Versailles, that it was rather paradoxical to maintain that the people who invented the mandatory system did not know what it meant. The mandatory system always contemplated the Mandate for Palestine on the general lines of the Declaration of November, 1917. It was not sprung upon the League of Nations, and, before the League of Nations came into existence, it was not sprung upon the Powers that met together in Paris to deal with the peace negotiations. It was a settled policy among the Allied and Asso-

ciated Powers before ever the Armistice came into existence. It was accepted in America, it was accepted in this country, it was published all over the world, and, if ever there was a Declaration which had behind it a general consensus of opinion, I believe it was the Declaration of November, 1917.

Your Lordships may, perhaps, have in mind that President Wilson, whose declarations were so intimately connected with the whole policy of the Mandates, was most strongly in favour of the policy embodied in the existing Mandate, that it was pressed upon him by the population of the United States, that it was fully accepted by him, and that he came to Paris to carry out, so far as the government were concerned, the very principles embodied in these Mandates. As for this country, I happened to be the mouthpiece of my colleagues in making the Declaration of November, 1917. I do not know why we have waited—I do not know why your Lordships' House has waited—until 1922 to attack a policy which was initiated in 1917 or before, which was plainly before the world and was dealt with in detail in 1919 in Paris, and is now being carried out by the Allied and Associated Powers and by the League of Nations.

The League of Nations, I may incidentally

say, has asked His Majesty's Government to continue to carry out the policy of the Mandates. As your Lordships are aware the Mandates are not yet part, so to speak, of the law of nations. The fact that we have not yet concluded, most unhappily as I think, peace in Eastern Europe and in Western Asia, has prevented these Mandates passing through all the stages which will ultimately be required of them, but we are carrying out the policy of the Mandates. It is known to the Council of the League of Nations that we are carrying out that policy, and it is with their assent and approval that we are continuing to do so. Only recently, I believe, the whole question came up before the Senate of the United States. They had before them, if I am rightly informed, witnesses competent to give evidence upon every aspect of the case, and they came to the unanimous conclusion that the policy of a Jewish Home was a policy for the benefit of the world, and they certainly, by the very terms of the Resolution at which they arrived, were not oblivious of the interests of the native Arab population.

Therefore, when my noble friend tries to maintain the paradox that the Powers who adopted the mandatory system, the Powers who laid down the lines on which that system was to

be carried out and have embodied it in the League of Nations, and have set going Governments in different parts of the world, who are at this moment carrying out the mandatory system, are so ignorant that they do not know their own child, and are violating all their principles when they establish the policy of a Jewish Home in Palestine, I think my noble friend is not only somewhat belated in his criticism, but is asking us to accept a proposition which, as men of common sense, we should certainly repudiate. I will therefore leave what I may call the legal or juridical aspect of the criticism of my noble friend, which I think he will admit is essentially paradoxical, and will come to his more particular charges.

Those particular charges were, in the first place, as I understood him, that it was impossible to establish a Jewish Home in Palestine without giving to the Jewish organisations political powers over the Arab races with which they should not be entrusted, and which, even if they exercised them well, were not powers that should be given under a British Mandate to one race over another. But I think my noble friend gave no evidence of the truth of these charges. He told us that it was quite obvious that some kind of Jewish domination over the Arabs was an es-

sential consequence of the attempt to establish a Jewish Home. It is no necessary consequence, and it is surely a very poor compliment to the British Government, to a Governor of Palestine appointed by the British Government, to the Mandates Commission under the League of Nations, whose business it will be to see that the spirit of the Mandate as well as the letter is carried out, and beyond them to the Council of the League of Nations, to suppose that all these bodies will so violate every pledge that they have ever given, and every principle to which they have ever subscribed, as to use the power given to them by the Peace Treaty to enable one section of the community in Palestine to oppress and dominate any other.

I cannot imagine any political interests exercised under greater safeguards than the political interests of the Arab population of Palestine. Every act of the Government will be jealously watched. The Zionist organisation has no attribution of political powers. If it uses or usurps political powers it is an act of usurpation. Is that conceivable or possible under the lynx eyes of critics like my noble friend, or of the Mandates Commission, whose business it will be to see that the Mandate is carried out, or of a British Governor-General nourished and brought up under

the traditions of British equality and British good government, and, finally, behind all those safeguards, with the safeguard of free Parliamentary criticism in this House and in the other House? These are fantastic fears. They are fears that need perturb no sober and impartial critic of contemporary events, and whatever else may happen in Palestine, of this I am very confident, that under British Government no form of tyranny, racial or religious, will ever be permitted.

Now, I go from that broad charge of putting the Arab population under the domination of the Zionist organisation, and I come to the more detailed attacks made by my noble friend. He criticised the whole system of immigration. I do not know why he did that. No human being supposes that Palestine is an over-populated country. It is, I believe, an under-populated country at the moment at which I speak, before all the economic developments to which I look forward have had time to take place; and if the hopes that I entertain are not widely disappointed, the power of Palestine to maintain a population far greater than she had or could ever have under Turkish rule will be easily attained in consequence of the material well-being which under Turkish rule were wholly impossible. The

whole policy of immigration is subject to the most careful study, and the character and qualifications of the immigrants are subject to the most rigid scrutiny under the control of the Government, and, so far as my information goes, no single immigrant has been a charge upon any public fund since he entered the boundaries controlled by the British Administration.

The hopes that I have just expressed with regard to the growth of population in Palestine, with regard to the numbers it could support, of course are based, and necessarily based, upon the amount of capital expenditure you can give to that country, upon the character of the population who are going to make use of the machinery provided by that capital expenditure, and upon the character of the Government under which all these operations will be carried out. Now, I ask my noble friend, who takes up the cause of the Arabs, and who seems to think that their material well-being is going to be diminished under the new system, how he thinks that the existing population of Palestine, of whom he has—very rightly from his point of view—constituted himself the advocate in this House, is going to be effective unless and until you get capitalists to invest their money in developing the resources of this small country—small in area, though

great in memories—which, according to all the information we possess, might carry a population far bigger—I will not venture to give figures, but far bigger—than that which it now supports. But it can only do so, I believe, if you can draw upon the enthusiasm of the Jewish communities throughout the world. As soon as all this Mandate question is finally settled, as soon as all the existing legal difficulties have been got over, they will, I believe, come forward and freely help in the development of a Jewish Home.

That is not going to be a great speculative investment; that is not going to bring millions into the pockets of international finance; that is not going to prove wildly exciting upon the Stock Exchange of London or New York; that is going to be carried out as much, indeed far more, in order to carry out these great ideal designs—idealist, if you prefer that name—than to earn dividends or to make fortunes. My noble friend almost gave your Lordships to understand that investors were clamouring for opportunities which had been improperly—I do not think he suggested corruptly, but improperly—given to Jews. He is under a great delusion. I am not going in detail into the Rutenberg controversy. I am given to understand that it would

be debated in another place at length at a very early date.

But I can tell my noble friend that this whole scheme was examined in the most critical spirit by the experts of the Colonial Office, and that they were quite unanimous that the terms, which anybody can get for himself, and the character of the undertaking were such that you could with no prospect of success hope for any better contract being made than that which was offered by Mr. Rutenberg. I have not myself personally, I need hardly say, investigated these financial problems, but I know they have been examined by persons who are not only wholly disinterested, and wholly impartial, but who are also extremely competent; and I think your Lordships may take it quite safely from me, not only that in the Rutenberg scheme was there nothing in the nature of undue favouritism, but that if the scheme can be carried, as I hope it will be carried, into effect, it will give economic advantages to Palestine which could be obtained in no other manner.

I was rather surprised at the whole tenor of my noble friend's criticism of the Rutenberg scheme, but nothing surprised me more than one particular charge he made against it. He said: "This is going to put the native population under the control of that part of the Jewish community

who are interested in the Rutenberg scheme." What does that charge of my noble friend mean? It means, and it can only mean, one of two things, so far as I can see: either that the general wealth of Palestine is going to be used illegitimately to support a project which in itself is of no economic value, or of inadequate economic value—and if that is the charge it wholly disposes of the view that Mr. Rutenberg is favoured among all mortals in having been given the possibility of finding money for this most unprofitable project—or it may mean that when these great water and electric power works are constructed they will be used to help the Jews, and they will be refused when they are demanded by the Arabs.

The first charge is that there is favouritism in giving the contract; the second that when the contract is accomplished and the works are finished there will be favouritism in their employment as between different sections of the population. I can hardly believe that my noble friend seriously thinks that that possibility can occur. Palestine is no vast area in which there are remote places where abuses may exist which even the most vigilant Government is incapable of examining. It is small in extent, it is under the eyes of the Government officials from end to end,

from east to west, from north to south, from Dan to Beersheba; and the notion that this great scheme, sanctioned by the Government, is going to be used as a method of oppression by those who have found the money against those for whom the money is to be used, seems to me one of the most fantastic accusations ever made here or elsewhere.

I would like to ask my noble friend, therefore, whether even from the most material point of view it is not in the interests of the Arab population itself to encourage this great project of the Jewish Home. My noble friend committed himself to the statement that Jews and Arabs up to the present time had enjoyed the same privileges. So they have—the privilege of being under Turkish rule. That privilege was impartially extended to every section of the population, and with the result which has not uncommonly followed the exercise of the same privileges, or the enjoyment of the same privileges, in other parts of the world. That state of things has happily come to an end. But if the populations who were trampled under the heel of the Turk until the end of the war are really to gain all the benefits that they might, it can only be by the introduction of the most modern methods, fed by streams of capital from all parts

of the world, and that can only be provided, so far as I can see, by carrying out this great scheme which the vast majority of the Jews—not all, I quite agree, and very often, perhaps commonly, not the wealthiest—the great mass of the Jews in east and west and north and south believe to be a great step forward in the alleviation of the lot which their race has had too long to bear. I do not think I need dwell upon this imaginary wrong which the Jewish Home is going to inflict upon the local Arabs.

But that is not the only charge which my noble friend made. He told us also that we were doing a great injustice to the Arab race as a whole, and that our policy was in contradiction of pledges given by General MacMahon and the Anglo-French Declarations conveyed to the native populations by General Allenby. Of all the charges made against this country I must say that the charge that we have been unjust to the Arab race seems to me the strangest. It is through the expenditure largely of British blood, by the exercise of British skill and valour, by the conduct of British generals, by troops brought from all parts of the British Empire—it is by them in the main that the freeing of the Arab race from Turkish rule has been effected. And that we, after all the events of the war, should be held up

as those who have done an injustice, that we, who have just established a king in Mesopotamia, who had before that established an Arab king in the Hedjaz, and who have done more than has been done for centuries past to put the Arab race in the position to which they have attained—that we should be charged with being their enemies, with having taken a mean advantage of the course of international negotiations, seems to me not only most unjust to the policy of this country, but almost fantastic in its extravagance.

I think I have traversed the main lines of my noble friend's attack. Those who listened to it must have been surprised, I think, at one omission from it. I am prepared to maintain that the policy of His Majesty's Government in Palestine, and the policy not merely of His Majesty's Government but of the Allied and Associated Powers in Palestine is and will be most helpful to the Arab population. I see no reason why those who lived, according to my noble friend himself, in amity under Turkish rule should insist on quarrelling under British rule. I hold that from a purely material point of view the policy that we have initiated is likely to prove a successful policy. But we have never pretended, certainly I have never pretended, that it was purely from these materialistic considerations that the Dec-

laration of November, 1917, originally sprung. I regard this not as a solution, but as a partial solution of the great and abiding Jewish problem.

My noble friend told us in his speech, and I believe him absolutely, that he has no prejudice against the Jews. I think I may say that I have no prejudice in their favour. But their position and their history, their connection with world religion and with world politics, is absolutely unique. There is no parallel to it, there is nothing approaching to a parallel to it, in any other branch of human history. Here you have a small race originally inhabiting a small country, I think of about the size of Wales or Belgium, at any rate of comparable size to those two, at no time in its history wielding anything that can be described as material power, sometimes crushed in between great Oriental monarchies, its inhabitants deported, then scattered, then driven out of the country altogether into every part of the world, and yet maintaining a continuity of religious and racial tradition of which we have no parallel elsewhere.

That, itself, is sufficiently remarkable, but consider—it is not a present consideration, but it is one that we cannot forget—how they have been treated during long centuries, during centuries which in some parts of the world extend to the

minute and the hour in which I am speaking; consider how they have been subjected to tyranny and persecution; consider whether the whole culture of Europe, the whole religious organisation of Europe, has not from time to time proved itself guilty of great crimes against this race. I quite understand that some members of the race may have given, doubtless did give, occasion for much ill-will, and I do not know how it could be otherwise, treated as they were; but, if you are going to lay stress on that, do not forget what part they have played in the intellectual, the artistic, the philosophic and scientific development of the world. I say nothing of the economic side of their energies, for on that Christian attention has always been concentrated.

I ask your Lordships to consider the other side of their activities. Nobody who knows what he is talking about will deny that they have at least—and I am putting it more moderately than I could do—rowed all their weight in the boat of scientific, intellectual and artistic progress, and they are doing so to this day. You will find them in every University, in every centre of learning; and at the very moment when they were being persecuted, when some of them, at all events, were being persecuted by the Church, their philosophers were developing thoughts which the

great doctors of the Church embodied in their religious system. As it was in the Middle Ages, as it was in earlier times, so it is now. And yet, is there anyone here who feels content with the position of the Jews? They have been able, by this extraordinary tenacity of their race, to maintain this continuity, and they have maintained it without having any Jewish home.

What has been the result? The result has been that they have been described as parasites on every civilisation in whose affairs they have mixed themselves—very useful parasites at times I venture to say. But however that may be, do not your Lordships think that if Christendom, not oblivious of all the wrong it has done, can give a chance, without injury to others, to this race of showing whether it can organise a culture in a Home where it will be secured from oppression that it is not well to say, if we can do it, that we will do it. And, if we can do it, should we not be doing something material to wash out an ancient stain upon our own civilisation if we absorb the Jewish race in friendly and effective fashion in those countries in which they are the citizens? We should then have given them what every other nation has, some place, some local habitation, where they can develop the culture and the traditions which are peculiarly their own.

I therefore frankly admit that I have been, in so far as I have had anything to do with this policy, moved by considerations not one of which was touched upon by my noble friend in the course of his speech. I could defend—I have endeavoured, and I hope not unsuccessfully, to defend—this scheme of the Palestine Mandate from the most material economic view, and from that point of view it is capable of defence. I have endeavoured to defend it from the point of view of the existing population, and I have shown—I hope with some effect—that their prosperity also is intimately bound up with the success of Zionism. But having endeavoured to the best of my ability to maintain those two propositions, I should, indeed, give an inadequate view to your Lordships of my opinions if I sat down without insisting to the utmost of my ability that, beyond and above all this, there is this great ideal at which those who think with me are aiming, and which, I believe, it is within their power to reach. It may fail.

I do not deny that this is an adventure. Are we never to have adventures? Are we never to try new experiments? I hope your Lordships will never sink to that unimaginative depth, and that experiment and adventure will be justified if there is any case or cause for their justification.

Surely, it is in order that we may send a message to every land where the Jewish race has been scattered, a message which will tell them that Christendom is not oblivious of their faith, is not unmindful of the service they have rendered to the great religions of the world, and, most of all, to the religion that the majority of your Lordships' House profess, and that we desire to the best of our ability to give them that opportunity of developing, in peace and quietness under British rule, those great gifts which hitherto they have been compelled from the very nature of the case only to bring to fruition in countries which know not their language and belong not to their race? That is the ideal which I desire to see accomplished, that is the aim which lay at the root of the policy I am trying to defend; and, though it be defensible indeed on every ground, that is the ground which chiefly moves me.



BALFOUR'S PROTEST

The Joint Statement of Three British War Cabinet Statesmen

JOINT statement by the Earl of Balfour, David Lloyd George and General Jan Christian Smuts, three members of the British war cabinet responsible for the Balfour Declaration, published in the London *Times* on December 20, 1929.

"As members of the war cabinet which was responsible for the Balfour Declaration twelve years ago and for the policy of a national home for the Jewish people which it foreshadowed, we view with deep anxiety the present situation in Palestine. On the events of last August which are now the subject of an inquiry by a special Commission we forbear comment. But it seems clear that, whatever the finding of the Commission may be on the responsibility for the August outbreak, the work to which Britain set her hand at the close of the war is not proceeding satisfactorily.

"The Balfour Declaration pledged us to a pol-

icy; the Palestine Mandate entrusted us with vital administrative duties; but causes which are still obscure have impeded the task of administration and consequently the full carrying out of the policy.

"In these circumstances we would urge on the Government the appointment of an authoritative commission to investigate the whole working of the Mandate. The Commission at present in Palestine was appointed with limited terms of reference to inquire into specific matters. This Commission, in our view, must, as soon as it has reported, be supplemented by a searching inquiry into major questions of policy and administration. Our pledge is unequivocal, but in order to fulfill it in letter and spirit a considerable readjustment of the administrative machine may be desirable.

"Such a commission would be an advertisement to the world that Britain has not weakened in a task to which her honor is pledged and at the same time an assurance to Jews and Arabs alike that any proven defects in the present system of government will be made good."



THE HOME LAND CLAIM

*Statement made by M. Van Rees, Vice-Chairman
of the Permanent Mandates Commission, in
Geneva, June 5, 1930*

M. VAN REES thought it useless to draw conclusions from this, since they were obvious.

M. Van Rees, continuing, wished to examine the complaints of the Jews. No chapter of the Commission of Enquiry's report was devoted to the legal side of the position of the Jews in Palestine.

Only a passing reference was made to that situation, and there was no effort to explain the grounds on which the Jews inhabited Palestine nor up to what point their demands must be regarded as legitimate.

Since any serious examination of the rights of the Jews to live and carry on their activity in Palestine was not to be found in the report, it was difficult not to draw the conclusion that this point of capital importance had not received in the report the attention which it deserved.

The Commission did not state that the Balfour Declaration was the basis of the presence of the Jews in Palestine and of their activities. The Commission of Enquiry did not explain its views on the close connection between that Declaration and certain provisions in the Palestine mandate. It had confined itself to quoting them, but had refrained from giving any interpretation. It had ended by recommending the British Government to explain more explicitly than had been the case in 1922 its policy with regard to the Jews. The most striking fact was that, although the report referred in many places to the official statements contained in the White Paper of June, 1922, the Commission seemed to have attached no importance to the basis of those statements which it did not even quote. Yet that basis was that "the Jewish people will be in Palestine as of right and not on sufferance" (see White Paper, page 30).

Nevertheless, it was this statement of Mr. Churchill's which, by explaining the legal reasons for the establishment of the Jews in the country, furnished the key to that which was not clear in the report of the Commission.

The Balfour Declaration of November 2nd, 1917, as recorded in the Preamble and developed

in Articles 2, 4, 6, 7 and 11 of the Palestine Mandate, had a very definite meaning.

It was not, as several persons had seen fit to interpret it, a mere gracious gesture, a mere public manifestation of indulgent pity toward the Jewish people. It would be altogether too naïve to believe that this had been the only feeling inspiring Great Britain in her Declaration of November 2nd, 1917. It would be also equally naïve to believe that that declaration had been approved by all the Great Powers merely in order to please Great Britain or in order to show their sympathy for the Jews.

Interpreted in its own words and with the aid of the text of the mandate based upon it, the Balfour Declaration would be seen to be an act based on purely political considerations and designed to secure an eminently practical object.

That object had certainly not been the oppression of a people established in the country by another people, as the adversaries of the Declaration wished it to be believed, despite the reservations contained in the Declaration. On the contrary, its object was the resurrection of the people established in Palestine. Its object was to arouse them from their centuries-old lethargy and to secure the social and economic development of the country, not by the efforts of the

Administration alone, but by the active co-operation of a more energetic and more highly developed people. In short, the real object of the Balfour Declaration had been the establishment, by the co-activity of the Government and of the Jewish people, of a social and economic order corresponding to the principles and requirements of European civilisation, while at the same time respecting the rights and interests of the existing inhabitants.

It had been that reason, which, disregarding the other considerations relating to the primary interests of the Empire, had induced the Government to agree, in order to fulfil the mission which it had felt sure would be given to it at the end of the war, to allow the Jewish people to participate, not in the powers of administration of Palestine, but in the practical execution of that mission.

This conception appeared to be fully justified by the facts. It explained the reason why Mr. Churchill, as M. Van Rees had already pointed out, had been able to state that the Jewish people would be in Palestine "as of right"; or in other words, that that people would not enter the country as foreigners, but would belong to the Palestinian nation to be subsequently created. It would further explain why Article 4 of the Man-

date officially recognised the Jewish organisation as the organisation representing the Jewish people and chosen to co-operate with the Government. It further explained why Articles 6 and 7 referred to the special privileges enjoyed by Jews in respect of immigration, the acquisition of Palestinian nationality and their establishment on empty land, subject to reservations regarding the rights and interests of other persons. Finally, it explained why Article 11, of which the meaning was just as significant, expressly enjoined the participation of the Jews in the execution or exploitation of public works and services as well as in the development of the natural resources of the country.

All these provisions were closely interconnected. They formed a single whole and clearly expressed the fundamental idea that to the work of civilisation to be carried out in Palestine the Jewish element would contribute its moral and above all its material support, not in virtue of holding any kind of concession of an economic nature, but in virtue of its right to collaborate with the Administration. In this the Jewish activity formed an integral part of the economic evolution of Palestine, of which the mandate had been entrusted to the Mandatory Power and

which was the primary condition of the political development of the country.

M. Van Rees thought it regrettable that this point had not been seriously considered by the Commission of Enquiry. It was even more regrettable that the special situation granted by the mandate to the Jewish element in Palestine appeared to have escaped the notice of the Administration itself to such a degree that the three statesmen whose names were specially connected with the Declaration of November 2nd, 1917—Lord Balfour, Mr. Lloyd George and Mr. Smuts—had been led to state publicly that causes “which are still obscure have impeded the task of administration and consequently the full carrying out of the policy” (letter published by *The Times*, December 20th, 1929).

It must be recognised that this was the main substance of the Jewish complaints. All the information which the Commission possessed regarding the manner in which the Mandate had been applied showed that the three statesmen whom he had just quoted had not been mistaken. On the contrary, the fact was that, generally speaking, the clauses of the Mandate concerning the Jews had not, in practice, received that application which their authors might have expected; not, in the first place, owing to the vol-

untary opposition of the Administration, but in consequence, M. Van Rees thought, at any rate in part, of the misunderstanding of the special situation which the international obligations assumed by Great Britain had granted to Jewish people in Palestine.

At this stage, M. Van Rees would enquire whether the British Government substantially adopted the statement of the Shaw Commission to the effect that no premeditation and no organised revolt had occurred, for this point was not clearly stated in the British Government's memorandum.

Dr. Drummond Shiels replied in the affirmative. The views of the British Government on this point were contained in that document.

M. Van Rees said that in that case he wished to explain his views on that part of the conclusions of the Commission of Enquiry.

As far as the question of premeditation was concerned, the Commission of Enquiry justified its conclusions by observing (paragraph 2 of its conclusions, page 158) that the disorders had not occurred simultaneously in all parts of Palestine. What did this argument mean? Was it necessary that a rebellion should simultaneously spread to all the parts of a territory before it could be concluded that it was premeditated?

The second argument on which the Commission based its views did not appear more conclusive. The day before the outbreak of the disorder (see the report page 80), the representatives of Jews and Arabs had met in conference to discuss the interests of Palestine. The exchange of views had taken place "in a friendly spirit." This was a fact to which the Commission appeared to attach great importance, and it was all the more surprising in that everyone knew that Orientals, and among them the Arabs, in particular, were some of the best diplomatists in the world, and that they were very careful not to show their real thoughts by adopting a revealing attitude.

He felt it difficult, therefore, to understand why the Commission of Enquiry had concluded that there had been no premeditation and no organisation in preparing for the disturbances, despite a number of its observations to which he thought it useful to draw attention.

"That the first of these motives is proved there can be no question; neither the Arab Executive nor the Mufti has at any time endeavoured to conceal the fact that the policy which, since 1918, successive Governments of His Majesty have followed in Palestine is re-

garded by them as being detrimental to the interests of those whom they represent. Their opposition to that policy has been unwavering. The Arab Executive, from its institution, has opposed the policy and declined to accept the White Paper of 1922 (Cmd. 1700); there is no evidence that it has ever departed from the attitude which it then adopted. The Muf-ti, as a private person before his election to his present office, gave such expression to his feeling in the matter of policy in Palestine that he was implicated in the disturbances of 1920." (Page 71)

"The movement which he in part created became, through the force of circumstances, a not unimportant factor in the events which led to the outbreak of August last, and to that extent he, like many others who directly or indirectly played upon public feeling in Palestine, must accept a share in the responsibility for the disturbances." (Page 75)

"That in many districts there was incitement and that in some cases those who incited were members of the Moslem hierarchy are facts which have been established to the satisfaction of Courts in Palestine; equally, it cannot be questioned that agitators were touring the country in the third week of August last

and were summoning the people of certain districts to Jerusalem." (Page 75)

"Opposition to the Balfour Declaration is an important element in the policy of the Palestine Arab Executive and, as we have already stated, it is our opinion that their feelings on this political issue might have provided a sufficient motive to have caused them to incite or to organise disturbance." (Page 78)

"We also accept the evidence that there was a marked increase in Arab activity after August 15th, and as we have already stated, it cannot be doubted that, during the third week of August, agitators were touring the country." (Page 79)

"His (Sulehi Bey al Khadra, member of the Arab Executive) general demeanour before us was such that we believe that he would welcome any opportunity of furthering what he regards as the just cause of Arab nationalism in Palestine." (Page 80)

M. Van Rees wondered how the conclusions that there had been neither premeditation nor organisation could be reconciled with the reservations and statements made by the Commission on pages 158, 159 and 164 in paragraphs 6, 11, 12, 13 and 45 (c).

In its constant preoccupation only to accept legal and formal proofs, the Commission had reached a negative conclusion as soon as these legal principles appeared to it to be inconclusive. It seemed to have ignored the fact that, in an Eastern country where feudal conditions of life still existed, effective proof against the traditional religious and other leaders of the people would very rarely be found. The Commission appeared not to have realised that, in those circumstances, a passive attitude on the part of the leaders was generally as significant in the case of a population worked up by agitation and excited by an appeal to their religious feelings as active participation in the subsequent rising.

In his reference to the Commission of Enquiry, M. Van Rees had spoken only of the majority. The minority consisted of a single member, Mr. Snell. In his report, that gentleman had adopted a far more logical attitude than that adopted by the majority. On page 172 he said that the causes of the disturbances of August "were due to fears and antipathies which, I am convinced, the Moslem and Arab leaders awakened and fostered for political needs." With reference to the Mufti, Mr. Snell said on the same page:

"I have not the least doubt that he was aware of the nature of that campaign and that he realised the danger of disturbances which is never absent when religious propaganda of an exciting character is spread among a Moslem people. I therefore attribute to the Mufti a greater share in the responsibility for the disturbance than is attributed to him in the report. I am of opinion that the Mufti must bear the blame for his failure to make any effort to control the character of an agitation conducted in the name of a religion of which, in Palestine, he was the head."

Mr. Snell went on to state:

"If the campaign of political agitation had for its objective the removal of grievances and the securing of safeguards for the future, the methods of propaganda adopted by the Arab leaders were, in my opinion, ill-chosen and futile; if, on the other hand, the campaign was designed to arouse Arab and Moslem passion, those who participated in it, knowing full well the results of like agitation in the past, cannot have been unaware of the possibility that serious disturbance would follow. Though I agree, that the Arab Executive is not of necessity responsible as a body for the

words or acts of its followers or even its individual members, I find it difficult to believe that the actions of individual members of the Executive were unknown to that body, or indeed, that those individuals were acting in a purely personal capacity."

Mr. Snell next pointed out: (page 173)

"Finally, in regard to the campaign of incitement, I am unable to agree that the conclusions in the report acquitting the Moslem religious authorities of all but the slightest blame for the innovations introduced in the neighbourhood of the Wailing Wall. . . . It is my view that many innovations which followed thereafter, such as the construction of the zawiya, the calling to prayer by the muezzin and the opening of the new doorway, were dictated less by the needs of the Moslem religion and the rights of property than by the studied desire to provoke and wound the religious susceptibilities of the Jewish people."

Mr. Snell finally repeated, on page 180, that the feeling of hostility and animosity on the part of the Arabs towards the Jews

". . . . was rather the result of a campaign

of propaganda and incitement than the natural consequence of economic factors.”

After a close study of all the elements of the problem to which M. Van Rees had devoted considerable time, he had not the least doubt that the responsibility for what had happened must lie with the religious and political leaders of the Arabs. This profound conviction had caused M. Van Rees to associate himself entirely with the remarkably well expressed account of the matter that had appeared in an article written by M. William Martin, published in the *Nouvelle Revue Juive* for the month of April, 1930 (page 22).

The only result of that proclamation on the Arabs had been that they had maintained that the Jews were alone responsible for the sanguinary disorders, as could be seen from page 68 of the report of the Commission of Enquiry. In making such an inconceivably foolish statement, they did not realise that they were showing exactly the same mentality as that displayed in British India at the present time. Since Gandhi had openly declared civil disobedience, disorders had occurred which he pretended not to have desired but which must inevitably have occurred. Nevertheless, it was still true that, in the eyes of his partisans and in his own eyes, the British

Government must be held responsible for the victims of the madness which he had let loose. It was true, that in British India there were no Jews to whom the responsibility for what had happened could be attributed.

It was very difficult to believe that, in spite of its own doubts, to which M. Van Rees had just referred and despite the delicate manner in which those doubts had been expressed, the Commission had been able to conclude that there had been no premeditation or organisation of the disturbances on the part of the Arab leaders. It was even more surprising that the Commission should have extended this conclusion to cover the Head of the Supreme Moslem Council, the Grand Mufti Haj Amin El Husseini, referred to in several quarters as one of the principal organisers of these disturbances.

On page 71 of its report, the Commission stated that the Mufti had been implicated in the troubles which had occurred in the month of April 1920. The accused had been condemned in his absence by the Military Court to a very severe term of imprisonment.

The Commission also quoted a letter dated August 22nd, 1929, on page 75 of its report inciting the Arabs in unequivocal terms to take part in the attacks on the Jews which were to

begin on the following day. The Commission observed in this connection (page 76) that this incitement to attack the Jews had been wrongly attributed to the Mufti. It had confined itself, however, to that declaration and had refrained from stating whether the origin of the letter quoted had been made the object of serious enquiry.

On the other hand, the Commission noted on page 77 that the Mufti had not scrupled to bear false witness. The Commission, however, had drawn no conclusion from this.

Account should also be taken to two facts which M. Van Rees thought particularly significant.

According to a secret letter from the Chief of Police at Jerusalem dated August 23rd, 1929, a facsimile of which had been forwarded to the Permanent Mandates Commission, a black list had been drawn up as a result of a conference of police officials held on July 2nd, that was to say, a little before the outbreak of the disturbance. The first name on that list was that of Haj Amin El Husseini, the Grand Mufti.

In the British Parliament, the attention of the Government had been drawn to the fact that the Mufti had, on April 17th, 1930 sent a letter to his colleague Sheikh Mustapha Ghalaini, Presi-

dent of the Moslem Council at Beirut, urging him to incite the Arabs in Syria to rebel against the French authorities.

M. Van Rees considered that these facts, taken in conjunction with his previous statements, were not without importance for anyone who wished to arrive at the unvarnished truth.



THE PASSFIELD WHITE PAPER

PALESTINE

Statement of Policy by His Majesty's Government in the United Kingdom

1. The Report of the Special Commission, under the Chairmanship of Sir Walter Shaw, which was published in April, gave rise to acute controversy, in the course of which it became evident that there is considerable misunderstanding about the past actions and future intentions of His Majesty's Government in the United Kingdom in regard to the administration of Palestine. It was realised that the publication of a clear and full statement of policy, designed to remove such misunderstanding and the resultant uncertainty and apprehension, was a matter of urgent importance. The preparation of such a statement, however, necessitated certain essential preliminary steps which have inevitably delayed its completion.

The Report of the Shaw Commission drew

attention to certain features of the problem, which, in the opinion of His Majesty's Government, called for prompt and full investigation, in view of their important bearing upon future policy. It was therefore decided to send to Palestine a highly qualified investigator (Sir John Hope Simpson) to confer with the High Commissioner and to report to His Majesty's Government on land settlement, immigration and development. Owing to the dominating importance of these subjects, and their close inter-connection, His Majesty's Government recognised that no statement of policy could be formulated without first taking into account a full and detailed exposition of the situation in Palestine under these three important heads, such as Sir John Hope Simpson was eminently qualified to furnish. Considerable pressure has been brought to bear upon His Majesty's Government to anticipate the receipt of Sir John Hope Simpson's Report by a declaration of policy, but, while appreciating the urgent need for as early a declaration as possible, His Majesty's Government felt bound to adhere to their decision to await the receipt of Sir John Hope Simpson's Report, especially having regard to the evidence which was accumulating as to the extreme difficulty and

complexity of the problem and the need for the fullest investigation of the facts before arriving at any definite conclusions.

Sir John Hope Simpson's Report has now been received, and the present statement of policy has been framed after very careful consideration of its contents and of other information bearing upon the Palestine situation which has recently become available.

2. In a country such as Palestine, where the interests and aims of two sections of the community are at present diverse and in some respects conflicting, it is too much to expect that any declaration of policy will fully satisfy the aspirations of either party. His Majesty's Government have, however, permitted themselves to hope that the removal of existing misunderstandings and the more precise definition of their intentions may go far to allay uneasiness and to restore confidence on both sides. It will be the endeavour of His Majesty's Government, not only by the present statement of policy but by the administrative actions which will result from it, to convince both Arabs and Jews of their firm intention to promote the essential interests of both races to the utmost of their power, and to work consistently for the development, in Palestine, of a prosperous community, living in peace

under an impartial and progressive Administration. It is necessary, however, to emphasise one important point, viz., that in the peculiar circumstances of Palestine no policy, however enlightened or however vigorously prosecuted, can hope for success, unless it is supported not merely by the acceptance, but by the willing co-operation of the communities for whose benefit it is designed.

It is unnecessary here to dwell upon the unhappy events of the past year and the deplorable conditions which have resulted from them. His Majesty's Government feel bound, however, to remark that they have received little assistance from either side in healing the breach between them during the months of tension and unrest which have followed on the disturbances of August 1929, and that to the difficulties created by the mutual suspicions and hostilities of the two races has been added a further grave obstacle, namely, an attitude of mistrust towards His Majesty's Government fostered by a press campaign in which the true facts of the situation have become obscured and distorted. It cannot be too strongly emphasised that on the establishment of better relations between Arabs and Jews depend the future peace and prosperity of the country which is dear to both races. This is the

object which His Majesty's Government have constantly in view, and they feel that it is more likely to be attained if both sides will willingly co-operate with the Government and with the Palestine Administration, and endeavour to realise that, in the discharge of their mandatory obligations and indeed in all their relations with Palestine, His Majesty's Government may be trusted to safeguard and promote the interests of both races.

3. Many of the misunderstandings which have unhappily arisen on both sides appear to be the result of a failure to appreciate the nature of the duty imposed upon His Majesty's Government by the terms of the Mandate. The next point, therefore, which His Majesty's Government feel it necessary to emphasise, in the strongest manner possible, is that in the words of the Prime Minister's statement in the House of Commons on the 3rd April last, "a double undertaking is involved, to the Jewish people on the one hand and to the non-Jewish population of Palestine on the other."

Much of the agitation which has taken place during the past year seems to have arisen from a failure to realise the full import of this fundamental fact. Both Arabs and Jews have assailed the Government with demands and reproaches based upon the false assumption that it was the

duty of His Majesty's Government to execute policies from which they are, in fact, debarred by the explicit terms of the Mandate.

The Prime Minister, in the statement above referred to, announced, in words which could not have been made more plain, that it is the intention of His Majesty's Government to continue to administer Palestine in accordance with the terms of the Mandate, as approved by the Council of the League of Nations. "That" said Mr. Ramsay MacDonald, "is an international obligation from which there can be no question of receding." In spite of so unequivocal a statement, the hope seems to have been entertained that, by some means or other, an escape could be found from the limitations plainly imposed by the terms of the Mandate. It must be realised, once and for all, that it is useless for Jewish leaders on the one hand to press His Majesty's Government to conform their policy in regard, for example, to immigration and land, to the aspirations of the more uncompromising sections of Zionist opinion. That would be to ignore the equally important duty of the Mandatory Power towards the non-Jewish inhabitants of Palestine. On the other hand, it is equally useless for Arab leaders to maintain their demands for a form of Constitution, which would render it impossible

for His Majesty's Government to carry out, in the fullest sense, the double undertaking already referred to. His Majesty's Government have reason to think that one of the reasons for the sustained tension and agitation on both sides has been the creation by misguided advisers of the false hope that efforts to intimidate and to bring pressure to bear upon His Majesty's Government would eventually result in forcing them into a policy which weighted the balances in favour of the one or the other party.

It becomes, therefore, essential that at the outset His Majesty's Government should make it clear that they will not be moved, by any pressure or threats, from the path laid down in the Mandate, and from the pursuit of a policy which aims at promoting the interests of the inhabitants of Palestine, both Arabs and Jews, in a manner which shall be consistent with the obligations which the Mandate imposes.

4. This is not the first time that His Majesty's Government have endeavoured to make clear the nature of their policy in Palestine. In 1922, a full statement was published* and was communicated both to the Palestine Arab Delegation, then in London, and to the Zionist Organisation. This

* Cmd. 1700, The Churchill White Paper.

statement met with no acceptance on the part of the Arab Delegation, but the Executive of the Zionist Organisation passed a Resolution assuring His Majesty's Government that the activities of the Organisation would be conducted in conformity with the policy therein set forth. Moreover, in the letter conveying the text of this Resolution to His Majesty's Government, Dr. Weizmann wrote:

"The Zionist Organisation has, at all times, been sincerely desirous of proceeding in harmonious co-operation with all sections of the people of Palestine. It has repeatedly made it clear, both in word and deed, that nothing is further from its purpose than to prejudice in the smallest degree the civil or religious rights, or the material interests of the non-Jewish population."

The experience of the intervening years has inevitably brought to light certain administrative defects and special economic problems, which have to be taken into account in considering the welfare of all sections of the community. Nevertheless, the statement of policy, issued after prolonged and careful consideration in 1922, provides the foundations upon which future British policy in Palestine must be built up.

5. Apart from proposals for the establishment of a Constitution in Palestine which will be dealt with in later paragraphs, there are three important points dealt with in this statement which must now be recalled:

(a) *The meaning attached by His Majesty's Government to the expression "the Jewish National Home," which is contained in the Mandate.*

On this point, the following passage may be quoted from the 1922 Statement:

"During the last two or three generations the Jews have recreated in Palestine a community, now numbering 80,000, of whom about one-fourth are farmers or workers upon the land. This community has its own political organs; an elected assembly for the direction of its domestic concerns; elected councils in the towns; and an organisation for the control of its schools. It has its elected Chief Rabbinate and Rabbinical Council for the direction of its religious affairs. Its business is conducted in Hebrew as a vernacular language and a Hebrew press serves its needs. It has its distinctive intellectual life and displays considerable economic activity. This community, then,

with its town and country population, its political, religious and social organisation, its own language, its own customs, its own life, has in fact "national" characteristics. When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connection.

"This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary

of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews."

(b) *The principles which should govern immigration.*

On this point the statement of policy continues as follows:

"For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic capacity of the country at the time to absorb new arrivals. It is essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present population of their employment. Hitherto the immigration has fulfilled these conditions. The number of immigrants since the British occupation has been about 25,000.

"It is necessary also to ensure that persons who are politically undesirable are excluded from Palestine, and every precaution has been and will be taken by the Administration to that end."

It will be observed that the principles enunciated above render it essential that in estimating the absorptive capacity of Palestine at any time account should be taken of Arab as well as Jewish unemployment in determining the rate at which immigration should be permitted. It is the intention of His Majesty's Government to take steps to ensure a more exact application of these principles in the future.

(c) *The position of the Jewish Agency.*

In the passage quoted below, an attempt was made to indicate the limitations, implicit in the Mandate, necessarily imposed upon the scope of the Jewish Agency provided for in Article 4 of the Mandate:

"It is also necessary to point out that the Zionist Commission in Palestine, now termed the Palestine Zionist Executive, has not desired to possess, and does not possess, any share in the general administration of the country. Nor does the special position assigned to the Zionist Organisation in Article IV of the draft Mandate for Palestine imply any such functions! That special position relates to the measures affecting the Jewish population, and contemplates that the Organisation may assist in the general development of the country, but does

not entitle it to share in any degree in its Government."

6. His Majesty's Government desires to re-affirm generally the policy outlined in the 1922 Statement, and, in particular, the three passages quoted above. On these three important points it is not thought that anything but barren controversy would result from an attempt further to elaborate their conceptions. It is recognised, however, in the light of past experience that much remains to be done to improve the practical application of the principles enunciated in the foregoing passages, and it is the intention of the Government, in consultation with the Palestine Administration, to take active steps to provide improved machinery for meeting the requirements of both Arabs and Jews, under these three heads. In particular, it is recognised as of the greatest importance that the efforts of the High Commissioner towards some closer and more harmonious form of co-operation and means of consultation between the Palestine Administration and the Jewish Agency should be further developed, always consistently, however, with the principle which must be regarded as basic, that the special position of the Agency, in affording advice and co-operation, does not entitle the

Agency, as such, to share in the government of the country. Similarly, machinery must be provided to ensure that the essential interests of the non-Jewish sections of the Community should at the same time be fully safeguarded, and that adequate opportunity should be afforded for consultation with the Palestine Administration on matters affecting those interests.

7. At this point it becomes desirable to remove any ground of misunderstanding that may exist as to the passages in the Mandate bearing upon the safeguarding of the rights of the non-Jewish community in Palestine. The passages in the Mandate specially bearing on this point will be found in —

Article 2. "The Mandatory shall be responsible for placing the country under such political administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

Article 6. "The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under

suitable conditions, and shall encourage, in co-operation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."

Article 9. "The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

"Respect for personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the disposition of the founders."

Article 13. "All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites, and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the pur-

pose of carrying the provisions of this article into effect, and provided also that nothing in this Mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed."

Article 15. "The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

"The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

"On the other hand, special reference to the Jewish National Home and to Jewish interests are contained in Article 4:

Article 4. "An appropriate Jewish Agency shall be recognised as a public body for the purpose of advising and co-operating with the Ad-

ministration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish National Home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

"The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish National Home."

Article 6. (Already quoted above.)

Article 11. "The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desira-

bility of promoting the close settlement and intensive cultivation of the land.

"The Administration may arrange with the Jewish Agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration."

8. In the first place, it will be observed that Article 2 makes the Mandatory responsible for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race or religion; and secondly, that the obligation contained in Article 6 to facilitate Jewish immigration and to encourage close settlement by Jews on the land, is qualified by the requirement to ensure that the rights and position of other sections of the population are not prejudiced. Moreover, by Article 11, "the Administration of Palestine is required to take all necessary measures to safeguard the interests of the community in

connection with the development of the country." It is clear from the wording of this Article that the population of Palestine as a whole, and not any sectional interest, is to be the object of the Government's care, and it may be noted that the provision for arranging with the Jewish Agency for the construction or operation of public works, services and utilities, is only permissive and not obligatory, and could not be allowed to conflict with the general interests of the community. These points are emphasised because claims have been made on behalf of the Jewish Agency to a position in regard to the general administration of the country, which His Majesty's Government cannot but regard as going far beyond the clear intention of the Mandate. Moreover, attempts have been made to argue, in support of Zionist claims, that the principal feature of the Mandate is the passages regarding the Jewish National Home, and that the passages designed to safeguard the rights of the non-Jewish community are merely secondary considerations qualifying, to some extent, what is claimed to be the primary object for which the Mandate has been framed.

This is a conception which His Majesty's Government have always regarded as totally erroneous. However difficult the task may be it would,

in their view, be impossible, consistently with the plain intention of the Mandate, to attempt to solve the problem by subordinating one of these obligations to the other. The British Accredited Representative, when appearing before the Permanent Mandates Commission on the 9th of June last, endeavoured to make clear the attitude of His Majesty's Government towards the difficulties inherent in the Mandate. In commenting on his statements in their report to the Council, the Permanent Mandates Commission made the following important pronouncement:

"From all these statements two assertions emerge, which should be emphasized:

'(1) that the obligations laid down by the Mandate in regard to the two sections of the population are of equal weight;

'(2) that the two obligations imposed on the Mandatory are in no sense irreconcilable.'

"The Mandates Commission has no objection to raise to these two assertions, which, in its view, accurately express what it conceives to be the essence of the Mandate for Palestine and ensure its future."

His Majesty's Government are fully in accord with the sense of this pronouncement and it is a

source of satisfaction to them that it has been rendered authoritative by the approval of the Council of the League of Nations.

It is the difficult and delicate task of His Majesty's Government to devise means whereby, in the execution of its policy in Palestine, equal weight shall at all times be given to the obligations laid down with regard to the two sections of the population and to reconcile these two obligations where, inevitably, conflicting interests are involved.

It is hoped that the foregoing explanation of the nature of the task imposed by the Mandate upon His Majesty's Government will make clear the necessity, already emphasised, for willing co-operation with the Palestine Administration and with His Majesty's Government on the part both of Arab and Jewish leaders.

9. The preceding paragraphs contain an exposition of the general principles which have to be taken into account as governing policy in Palestine and the limiting conditions under which it must be carried out. The practical problems with which His Majesty's Government are faced in Palestine must now be considered in detail.

These may be regarded as falling roughly under three heads:

- (1) Security,
- (2) Constitutional development,
- (3) Economic and Social development.

They will be dealt with in that order.

(1) *Security*

10. It is a primary duty of the Administration to ensure peace, order and good government in Palestine. In an earlier paragraph His Majesty's Government have intimated that they will not be moved from their duty by any pressure or threats.

Outbreaks of disorder in the past have been promptly repressed and special measures have been taken to deal with any future emergencies. It must be clearly understood that incitements to disorder or disaffection, in whatever quarter they may originate, will be severely punished and the powers of the Administration will, so far as may be necessary, be enlarged to enable it to deal the more effectively with any such dangerous and unwarrantable attempts.

His Majesty's Government have decided to retain in Palestine, for the present, two battalions of infantry; in addition to these, two squadrons of aircraft and four sections of armoured cars will be available in Palestine and Trans-Jordan.

It will be recalled that Mr. Dowbiggin, Inspector-General of Police, Ceylon, was sent to Palestine to enquire into the organisation of the Palestine Police Force. His elaborate and valuable report has been received and is under detailed consideration. Certain of his recommendations have already been carried out, including those involving an increase in the strength of the British and Palestinian sections of the Force and those providing for a scheme of defence for Jewish Colonies, to which reference was made in paragraph 9 of the statement with regard to British Policy in Palestine, published as Command Paper 3582. The remainder of the many recommendations in Mr. Dowbiggin's report are under consideration in consultation with the High Commissioner for Palestine, and further changes will be made when decisions are taken on these recommendations. His Majesty's Government avail themselves of this opportunity to reiterate their determination to take all possible steps to suppress crime and maintain order in Palestine. They desire to emphasise, in this connection, that in determining the nature and composition of the security forces necessary for this purpose they must be guided by their expert advisers, and must aim at ensuring that the forces employed are suitable for the

duties which they have to carry out, without regard to any political considerations.

(2) *Constitutional Development*

11. Reference has already been made to the demands of Arab leaders for a form of constitution which would be incompatible with the mandatory obligations of His Majesty's Government. It is, however, the considered opinion of His Majesty's Government that the time has now come when the important question of the establishment of a measure of self-government in Palestine must, in the interests of the community as a whole, be taken in hand without further delay.

It may be convenient, in the first instance, to give a brief résumé of the history of this question since the establishment of the civil administration.

In October, 1920, there was set up in Palestine an Advisory Council composed in equal parts of official and nominated unofficial members. Of the ten unofficial members, four were Moslems, three were Christians and three were Jews.

On the 1st September, 1922, the Palestine Order in Council was issued, setting up a Government in Palestine under the Foreign Jurisdiction Act. Part 3 of the Order in Council directed the

establishment of a Legislative Council to be composed of the High Commissioner as President, with ten other official members, and 12 elected non-official members. The procedure for the selection of the non-official members was laid down in the Legislative Council, Order in Council, 1922, and in February and March, 1923, an attempt was made to hold elections in accordance with that procedure.

The attempt failed owing to the refusal of the Arab population as a whole to co-operate (a detailed report of these elections is contained in the papers relating to the elections for the Palestine Legislative Council, 1923, published as Command Paper 1889).

The High Commissioner thereupon suspended the establishment of the proposed Legislative Council, and continued to act in consultation with an Advisory Council as before.

Two further opportunities were given to representative Arab leaders in Palestine to co-operate with the Administration in the government of the country, first, by the reconstitution of a nominated Advisory Council, but with membership conforming to that proposed for the Legislative Council, and, secondly, by a proposal for the formation of an Arab agency. It was intended that this Agency should have func-

tions analogous to those entrusted to the Jewish Agency by Article 4 of the Palestine Mandate.

Neither of these opportunities was accepted and, accordingly, in December, 1923, an Advisory Council was set up consisting only of official members. This position still continues; the only change being that the Advisory Council has been enlarged by the addition of more official members as the Administration developed.

It will be recalled that, under the terms of Article 2 of the Mandate, His Majesty's Government are responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home and the development of self-governing institutions, and for safeguarding the civil and religious rights of the inhabitants. The action taken with regard to constitutional development in the early years of the Civil Administration is briefly described above.

With the object of enabling the people of Palestine to obtain practical experience of administrative methods and the business of government and to learn discrimination in the selection of their representatives, Lord Plumer, who was High Commissioner for Palestine from 1925 to 1928, introduced a wider measure of local self-

government than had previously obtained under the British régime.

Sir John Chancellor considered the question of constitutional development on his assumption of the office of High Commissioner in December, 1928. He consulted representatives of various local interests and, after a careful examination of the position, put forward certain proposals in June, 1929. Discussion of the question was, however, suspended in consequence of the disturbances in August, 1929.

12. His Majesty's Government have now carefully considered this question in the light of the present stage of progress and development and with special regard to their obligation to place the country under such political, administrative and economic conditions as will secure the development of self-governing institutions. They have decided that the time has arrived for a further step in the direction of the grant to the people of Palestine, of a measure of self-government compatible with the terms of the Mandate.

His Majesty's Government accordingly intend to set up a Legislative Council generally on the lines indicated in the statement of British policy in Palestine issued by Mr. Churchill in June, 1922, which is reproduced as Appendix 5 to the

Report of the Commission on the Palestine disturbances of August, 1929.

His Majesty's Government trust that on this occasion they will secure the co-operation of all sections of the population of Palestine. His Majesty's Government desire to make it quite clear that while they would deeply regret an attempt on the part of any section of the population to prevent them from giving effect to their decision, all possible steps will be taken to circumvent such an attempt, if made, since they consider it in the interests of the population of the country as a whole that the further step now proposed should no longer be deferred.

His Majesty's Government would point out that had this Legislature been set up at the time when it was first contemplated the people of Palestine would by now have gained more experience of the working of constitutional machinery. Such experience is indispensable for any progress in constitutional development. The sooner all sections of the population show a desire to co-operate with His Majesty's Government in this respect, the sooner will it be possible for such constitutional development to take place as His Majesty's Government hope to see in Palestine.

There are obvious advantages to be gained by

all sections of the population from the establishment of such a Council. It should be of special benefit to the Arab section of the population, who do not at present possess any constitutional means for putting their views on social and economic matters before the Government. Their representatives on the Council which is to be set up will, of course, be in the position, not only to present the views of the Arab section of the population on these and other matters, but also to participate in discussions thereon. A further advantage may accrue to the country as a whole from the establishment of the Legislative Council, viz., that the participation of representatives of both sections of the community as members of the Legislative Council, will tend to improve the relations between the Jews and the Arabs.

13. As stated above, the new Legislative Council will be on the lines indicated in the statement of policy issued in 1922. It will consist of the High Commissioner and 22 members, of whom 10 will be official members and 12 unofficial members. Unofficial members of the Council will normally be elected by primary and secondary elections. It is, however, in the view of His Majesty's Government, so important to avoid the repetition of the deadlock which occurred in 1923, that steps will be devised to ensure the

appointment of the requisite number of unofficial members to the Council in the event of one or more members failing to be elected on account of the non-co-operation of any section of the population, or for any other reason. The High Commissioner will continue to have the necessary power to ensure that the Mandatory shall be enabled to carry out its obligations to the League of Nations, including any legislation urgently required, as well as the maintenance of order.

When difference arises as to the fulfilment by the Government of Palestine of the terms of the Mandate, a petition to the League of Nations is admissible under Article 85 of the Order in Council of 1922.

(3) *Economic and Social Development*

14. Under this head the practical problems to be considered are mainly concerned with questions relating to land, immigration and unemployment. These three questions are intimately interrelated, with political as well as economic aspects, and upon their solution must depend any advance that can be hoped for towards settled conditions of peace and prosperity in Palestine.

Since attention was drawn to these matters in the Report of the Shaw Commission, they have formed the subject of detailed investigations on

the spot by a Committee appointed by the High Commissioner in April, to examine into the economic condition of agriculturists and the fiscal measures of Government in relation thereto, and also by Sir John Hope Simpson who, on instructions from the Secretary of State for the Colonies, proceeded to Palestine in May, in order to examine the questions of immigration, land settlement and development.

15. As a result of these extensive and elaborate investigations, certain conclusions have emerged and certain facts have been established which will now be set out briefly:

(1) *Land*

It can now be definitely stated that at the present time and with the present methods of Arab cultivation there remains no margin of land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish Agencies hold in reserve.

There has been much criticism in the past in regard to the relatively small extent of State land which has been made available for Jewish settlement. It is, however, an error to imagine that the Palestine Government is in possession of large areas of vacant land which could be made avail-

able for Jewish settlement. The extent of unoccupied areas of Government land is negligible. The Government claims considerable areas which are, in fact, occupied and cultivated by Arabs. Even were the title of the Government to these areas admitted, and it is in many cases disputed, it would not be possible to make these areas available for Jewish settlement, in view of their actual occupation by Arab cultivators and of the importance of making available additional land on which to place the Arab cultivators who are now landless.

The provision of a margin available for settlement depends upon the progress made in increasing the productivity of the land already occupied.

16. It now appears, in the light of the best available estimates, that the area of cultivable land in Palestine (excluding the Beer-Sheba region) is 6,544,000 dunams. This area is considerably less than had hitherto been estimated, previous official estimates being in the neighbourhood of 10 to 11 million dunams.

It also appears that while an area of at least 130 dunams is required to maintain a fellah family in a decent standard of life in the unirrigated tracts, the whole of the cultivable land in the country, excluding the area already in the

hands of the Jews, would, were it divided among the existing Arab cultivators, provide an average holding of not more than 90 dunams. In order to provide an average holding of 130 dunams for all Arab cultivators, about 8 million dunams of cultivable land would be required.

It also appears that of the 86,980 rural Arab families in the villages, 29.4 per cent. are landless. It is not known how many of these are families who previously cultivated and have since lost their land. This is one point, among others, upon which, at present, it is not possible to speak with greater precision, but which will, it is hoped, be ascertained in the course of the Census which is to be taken next year.

17. The condition of the Arab fellah leaves much to be desired, and a policy of land development is called for if an improvement in his conditions of life is to be effected.

The sole agencies which have pursued a consistent policy of land development have been the Jewish Colonisation organisations, public and private.

The Jewish settlers have had every advantage that capital, science and organisation could give them. To these and to the energy of the settlers themselves their remarkable progress is due. On the other hand, the Arab population, while lack-

ing the advantages enjoyed by the Jewish settlers, has, by the excess of births over deaths, increased with great rapidity, while the land available for its sustenance has decreased by about a million dunams. This area has passed into Jewish hands.

18. Reference has been made to the energy evinced and the remarkable progress made in Jewish land settlement. It would be unjust to accept the contention, which has been advanced in the course of the controversy regarding relations between Jews and Arabs in Palestine, that the effect of Jewish settlement upon the Arab population has in all cases been detrimental to the interests of the Arabs. This is by no means wholly true, but it is necessary in considering this aspect of the problem to differentiate between colonisation by such bodies as the Palestine Jewish Colonisation Association (commonly known as the P. I. C. A.) and colonisation under Zionist auspices.

In so far as the past policy of the P. I. C. A. is concerned, there can be no doubt that the Arab has profited largely by the installation of the Colonies, and relations between the colonists and their Arab neighbours have in the past been excellent. The cases which are now quoted by the Jewish authorities in support of the contention that the effect of Jewish colonisation on the

Arabs in the neighbourhood has been advantageous, are cases relating to Colonies established by the P. I. C. A. before colonisation financed from the Palestine Foundation Fund, which is the main financial instrument of the Jewish Agency, came into existence.

Some of the attempts which have been made to prove that Zionist colonisation has not had the effect of causing the previous tenants of land acquired to join the landless class have on examination proved to be unconvincing, if not fallacious.

19. Moreover, the effect of Jewish colonisation on the existing population is very intimately affected by the conditions on which the various Jewish bodies hold, utilise and lease their land. It is provided by the Constitution of the Enlarged Jewish Agency, signed at Zurich on the 14th August, 1929 (Article 3 (d) and (e), that the land acquired shall be held as the "inalienable property of the Jewish people," and that in "all the works or undertakings carried out or furthered by the Agency, it shall be deemed to be a matter of principle that Jewish labour shall be employed"). Moreover, by Article 23 of the draft lease, which it is proposed to execute in respect of all holdings granted by the Jewish National Fund, the lessee undertakes to execute all works

connected with the cultivation of the holdings only with Jewish labour. Stringent conditions are imposed to ensure the observance of this undertaking.

An undertaking binding settlers in the Colonies of the Maritime Plain to hire Jewish workmen only, whenever they may be obliged to hire help, is inserted in the Agreement for the repayment of advances made by the Palestine Foundation Fund. Similar provision is contained in the Agreement for the Emek Colonies.

These stringent provisions are difficult to reconcile with the declaration at the Zionist Congress of 1921 of "the desire of the Jewish people to live with the Arab people in relations of friendship and mutual respect, and, together, with the Arab people, to develop the homeland common to both into a prosperous community which would ensure the growth of the peoples."

20. The Jewish leaders have been perfectly frank in their justification of this policy. The Executive of the General Federation of Jewish Labour, which exercises a very important influence on the direction of Zionist policy, has contended that such restrictions are necessary to secure the largest possible amount of Jewish immigration and to safeguard the standard of

life of the Jewish labourer from the danger of falling to the lower standard of the Arab.

However logical such arguments may be from the point of view of a purely national movement, it must, nevertheless, be pointed out that they take no account of the provisions of Article 6 of the Mandate, which expressly requires that, in facilitating Jewish immigration and close settlement by Jews on the land, the Administration of Palestine must ensure that "the rights and position of other sections of the population are not prejudiced."

(2) Agricultural Development

21. As indicated in the immediately preceding paragraph, it is the duty of the Administration under the Mandate to ensure that the position of the "other sections of the population" is not prejudiced by Jewish immigration. Also, it is its duty under the Mandate to encourage close settlement of the Jews on the land, subject always to the former condition.

22. As a result of recent investigations, His Majesty's Government are satisfied that, in order to attain these objects, a more methodical agricultural development is called for with the object of ensuring a better use of the land.

23. Only by the adoption of such a policy will

additional Jewish agricultural settlement be possible consistently with the conditions laid down in Article 6 of the Mandate. The result desired will not be obtained except by years of work. It is for this reason fortunate that the Jewish organisations are in possession of a large reserve of land not yet settled or developed. Their operations can continue without break, while more general steps of development, in the benefits of which Jews and Arabs can both share, are being worked out. During this period, however, the control of all disposition of land must of necessity rest with the authority in charge of the development. Transfers of land will be permitted only in so far as they do not interfere with the plans of that authority. Having regard to the responsibilities of the Mandatory Power, it is clear that this authority must be the Palestine Administration.

24. Among the problems which will have to be considered are those of irrigation, the co-ordination of development with the activities of the Department of Agriculture and other Government Departments, and the determination of their respective spheres of action so as to avoid friction and overlapping, and to obtain the greatest efficiency in co-ordinated effort.

Consideration must also be given to the pro-

tection of tenants by some form of occupancy right, or by other means, to secure them against ejectment or the imposition of excessive rental.

Closely associated with any development must be the acceleration of the work of settlement by the ascertainment of title and the registration of tenancies. In this connection an important problem is presented by the large proportion of Arab village land which is held under the tenure-in-common known as *mesha'a*. Nearly half of the Arab villages are held on *masha'a* tenure and there is a consensus of opinion that this system is a great obstacle to the agricultural development of the Country.

The constitution of co-operative societies among the fellahin appears to be an important preliminary to their advancement. The whole question has recently been under examination on behalf of the Palestine Government by an expert with great experience.

25. The finances of Palestine have been severely strained by the necessity of providing for large increases in its security forces. These increases have been deemed essential in the light of the events of the autumn of 1929, and it is not possible to forecast the time that must elapse before it will be thought safe to reduce expenditure on this account. That must largely depend on the

success of the policy now envisaged, and on the extent of the improvement in mutual relations between Arabs and Jews which His Majesty's Government hope will be one of its results.

It is part of the general policy of His Majesty's Government that Palestine should be self-supporting. The improvement of agricultural conditions contemplated will not only take time, but will involve considerable expenditure, though it is to be hoped that part of the outlay will prove to be recoverable. His Majesty's Government are giving earnest consideration to the financial position which arises out of this situation, and steps are being taken to concert the necessary measures to give effect to their policy.

(3) *Immigration.*

26. The whole system under which immigration into Palestine is controlled by the Administration has recently been most carefully examined, and in the month of May, it was considered necessary by His Majesty's Government, whilst leaving undisturbed Jewish immigration in its various other forms, to suspend the further issue of certificates for the admission of immigrants under the Labour Schedule—i.e., as employed persons (over and above the 950 already sanctioned) for the half year ending the 30th

September, 1930, pending the result of this examination and the determination of future policy. This examination has revealed certain weaknesses in the existing system. It has been shown that under it there have been many cases of persons being admitted, who, if all the facts had been known, should not have received visas. No effective Government control exists in regard to the selection of immigrants from abroad, with the result that there are no adequate safeguards against irregularities in connection with the issue of immigration certificates and also against the immigration of undesirables. A further unsatisfactory feature is that a large number of travellers, who enter Palestine with permission to remain for a limited time, stay on without sanction. It is calculated that the number of such cases during the last three years amounted to 7,800. Another serious feature is the number of persons who evade the frontier control.

In any attempt to devise adequate Government machinery for the control of immigration, account must be taken of the important part at present played in connection with Jewish immigration by the General Federation of Jewish Labour. The influence of the General Federation is far-reaching and its activities are manifold. It constitutes an important factor within the World

Zionist movement, and at the last Zionist Congress more than a quarter of the total number of delegates represented such Zionist circles, both in Palestine and abroad, as are identified with the Federation. The influence which the Federation is able to exert upon immigrants is shown by the fact that its members are not permitted to have recourse to the Courts of the country in cases of dispute with another member. It has its own Courts of First and Second Instance and its Labour High Court, to which appeals from the subordinate Tribunals lie. The Federation has adopted a policy which implies the introduction in Palestine of a new social order based on communal settlements and the principle of "self-labour" (i.e., that each man should work for himself and avoid the employment of hired labourers). Where self-labour is impossible it insists on the employment of Jewish labour exclusively by all Jewish employers.

In view of its responsibilities under the Mandate, it is essential that the Palestine Government, as the agent of the Mandatory Power, should be the deciding authority in all matters of policy relating to immigration, especially having regard to its close relation to unemployment and land development policy. No adequate improvement in existing machinery can be devised unless a

modus vivendi is established between the Government on the one hand and the Jewish Agency on the other, in regard to their respective functions, and full account must be taken of the influence exerted in the policy of the Agency by the General Federation of Jewish Labour.

27. As regards the relation of immigration to unemployment, great difficulties at present exist owing to the absence of efficient machinery for estimating the degree of unemployment existing at any time. This is especially true as regards the Arab section of the community. While no reliable statistics are available, sufficient evidence has been adduced to lead to the conclusion that there is at present a serious degree of Arab unemployment, and that Jewish unemployment likewise exists to an extent which constitutes a definitely unsatisfactory feature. It may be regarded as clearly established that the preparation of the Labour Schedule must depend upon the ascertainment of the total of unemployed in Palestine. It follows that the extent of that unemployment must be accurately determined, and His Majesty's Government will give serious consideration to devising machinery for this purpose. The economic capacity of the country to absorb new immigrants must therefore be judged with reference to the position of Palestine as a whole in

regard to unemployment, and care must also be exercised in ascertaining that economic capacity, to make allowances for any demand for labour, which, owing to increased circulation of money connected with expenditure on development or for other causes, may be regarded as of a temporary character.

28. Article '6 of the Mandate directs that the rights and position of the other sections of the population shall not be prejudiced by Jewish immigration. Clearly, if immigration of Jews results in preventing the Arab population from obtaining the work necessary for its maintenance, or if Jewish unemployment unfavourably affects the general labour position, it is the duty of the Mandatory Power under the Mandate to reduce, or, if necessary, to suspend, such immigration until the unemployed portion of the "other sections" is in a position to obtain work. It may here be remarked that in the light of the examination to which immigration and unemployment problems have been subjected, His Majesty's Government regard their action in the suspension of immigration under the Labour Schedule last May as fully justified.

It has been argued that the High Commissioner's approval of the issue of Immigration Certificates under the Labour Schedule implied that

there was room for the admission of immigrants of the working class, and that, in consequence, His Majesty's Government, in suspending the issue of those certificates, must have been influenced by political considerations. This is not the case. In arriving at their decision to suspend the issue of the certificates, His Majesty's Government had in mind the opinions expressed in the Report of the Shaw Commission that there was a shortage of land and that immigration should be more closely controlled. It was realised that these issues called for expert examination, but His Majesty's Government felt that, until they had been so examined, no steps should be taken which might aggravate an economic situation which, in the opinion of the majority of the Shaw Commission, was already such as to afford ground for anxiety.

Any hasty decision in regard to more unrestricted Jewish immigration is to be strongly deprecated, not only from the point of view of the interests of the Palestine population as a whole, but even from the special point of view of the Jewish community. So long as widespread suspicion exists, and it does exist, amongst the Arab population, that the economic depression, under which they undoubtedly suffer at present, is largely due to excessive Jewish immigration,

and so long as some grounds exist upon which this suspicion may be plausibly represented to be well founded, there can be little hope of any improvement in the mutual relations of the two races. But it is upon such improvement that the future peace and prosperity of Palestine must largely depend.

It is hoped that changes may be devised in the method of the preparation of the Labour Schedule, which will tend to promote amicable relations between the Jewish authorities in Palestine and the Immigration Department. It is clearly desirable to establish closer co-operation and consultation between the Jewish authorities and the Government, and the closer and more cordial co-operation becomes, the easier it should be to arrive at an agreed Schedule based upon a thorough understanding, on both sides, of the economic needs of the country.

29. As has been shown in the foregoing paragraphs, the three problems of development, immigration and unemployment are closely inter-related, and upon the evolution of a policy which will take full account of these three factors must depend the future of Palestine. It is only in a peaceful and prosperous Palestine that the ideals of the Jewish National Home can in any sense be realised, and it is only by cordial co-

operation between the Jews, the Arabs and the Government that prosperity can be secured.

The situation revealed by exhaustive examination of the various economic, political and social factors involved, makes it clear that Palestine has reached a critical moment in its development. In the past it may be said that the Government has left economic and social forces to operate with the minimum of interference or control, but it has become increasingly clear that such a policy can no longer continue. It is only the closest co-operation between the Government and the leaders of the Arab and Jewish communities that can prevent Palestine from drifting into a situation which would imperil, on the one hand, the devoted work of those who have sought to build up the Jewish National Home, and, on the other, the interests of the majority of the population who at present possess few resources of their own with which to sustain the struggle for existence. What is required is that both races should consent to live together and to respect each other's needs and claims. To the Arabs His Majesty's Government would appeal for a recognition of the facts of the situation, and for a sustained effort at co-operation in obtaining that prosperity for the country as a whole by which all will benefit. From the Jewish leaders, His Majesty's Govern-

ment ask a recognition of the necessity for making some concessions on their side in regard to the independent and separatist ideals which have been developed in some quarters in connection with the Jewish National Home, and for accepting it as an active factor in the orientation of their policy that the general development of the country shall be carried out in such a way that the interests of the Arabs and Jews may each receive adequate consideration, with the object of developing prosperity throughout the country under conditions which will give no grounds for charges of partiality upon the one side or upon the other, but will permit of the Arab and Jewish communities developing in harmony and contentment.



WINSTON CHURCHILL'S VIEWS

*The Former British Colonial Secretary's Answer
to Passfield.*

THERE are four milestones or signposts in British policy towards Zionism and Palestine, and the question which has now arisen is whether they all point the same way. The first of these signposts was erected when on the second of November, 1917, the late Lord Balfour addressed to Lord Rothschild the letter known as "The Balfour Declaration." "His Majesty's Government," wrote the British Foreign Secretary, "views with favor the establishment in Palestine of a National Home for Jewish people and will use their best endeavors to facilitate achievement of this object."

The year 1917 marked perhaps the most drear and sombre period of war. It was the time when many hitherto unswerving, despaired of victory of the allies. It was the moment when most resolute elements of the British Government sought to enlist every influence that could hold allied

the associated nations to the task. The Zionist movement throughout the world was actively pro-Ally, and in a special sense pro-British. Nowhere was this movement more noticeable than in the United States and upon the active share of the United States in the bloody struggle which was impending rested a large proportion of our hopes. The able leaders of the Zionist movement and their wide-spread branches exercised an appreciable influence upon American opinion and that influence—like the Jewish influence generally—was steadily cast in our favor. Throughout the world of allied nations, Jews (Zionist and non-Zionist alike) sympathized with the Allies and worked for the success of Great Britain and the close co-operation with Great Britain of the United States.

The Balfour Declaration must, therefore, not be regarded as a promise given from sentimental motives; it was a practical measure taken in the interests of a common cause at a moment when that cause could afford to neglect no factor of material or moral assistance.

The second milestone was the acceptance in 1919 of the Palestinian Mandate by Great Britain upon certain express terms. Article two, the prime and fundamental article, states "the Mandatory shall be responsible for placing the coun-

try under such political administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all inhabitants in Palestine, irrespective of race or religion." The dual obligation, no doubt replete with difficulties, was deliberately accepted by Great Britain. Upon this obligation the Permanent Mandates Commission of the League of Nations, surveying the problem ten years later, made in 1929 the following pronouncement: Firstly, "that obligations laid down in the Mandate in regard to the two sections of population are of equal weight." Secondly, "that the two obligations imposed on the Mandatory Power are in no sense irreconcilable." The two obligations are indeed of equal weight but they are different in character. The first obligation is positive and creative, the second obligation is safeguarding and conciliatory.

Our Mandatory obligation towards the Jews throughout the world who helped us, and towards Palestinian Arabs who were the conscript soldiers of our Turkish enemy are both binding and we are bound both to persevere in establishment of the Jewish National Home and in safeguarding the civil and religious rights of Arabs. Merely to sit

still and avoid friction with Arabs and safeguard their civil and religious rights and to abandon the positive exertion for the establishment of the Jewish National Home would not be a faithful interpretation of the Mandate.

Lord Passfield is not stating the case truly when he writes in the new White Paper, "It is clear from the wording of this article that the population of Palestine, and not any sectional interest, is to be the object of the Government's care." The essence of the Balfour Declaration in 1917, and the intention of the Mandate in 1919 was that "the sectional interest" of the Jews in the establishment of their National Home was to be the object of the Government's care and in the words of the article, the Mandatory Power assumed responsibility for bringing about the political, administrative, and economic conditions which would secure the establishment of the Jewish National Home.

The third milestone is found in the Colonial Office dispatches and correspondence published in June, 1922. Here we have quitted the region of mandates and declarations, and the British Government is face to face with the inherent, though not inseparable difficulties of the problem. They have to set limits both of speed and method to practical year-to-year progress of the Zionist

scheme. They have to offer to the Arab population definite and concrete assurances as to the sphere within which their civil, religious rights will be safeguarded. Instructions telegraphed on June 29th, from the Colonial Office to the officer administrating the Government of Palestine set this out in a simple summary, "Firstly, the Majesty's Government reaffirm the Declaration of November, 1917, which is not susceptible to change. Secondly, a Jewish National Home will be founded in Palestine. The Jewish people will be in Palestine as of right and not on sufferance. But the Majesty's Government have no such aim in view as that Palestine should become as Jewish as England is English. Thirdly, nor do the Majesty's Government contemplate the disappearance or subordination of the Arab population, language or culture. Fourthly, the status of all citizens of Palestine will be Palestinian, no section of the population will have any other status in the eye of the law." (There are other points in the telegram but they need not be cited here.)

This statement of practical policy required to fulfill the obligations of the Mandate and of the Balfour Declaration was inconsistently rejected by the Arabs and accepted only with extreme disappointment by the Zionists. Nevertheless, the

Executive of the Zionist Organization passed a resolution assuring His Majesty's Government that the activity of the Organization would conform to the policy therein set forth and in letter conveying the text of this resolution. Dr. Chaim Weizmann wrote, "The Zionist Organization has at all times been sincerely desirous of proceeding in harmonious co-operation with all sections of the people of Palestine. It has repeatedly made it clear both in word and deed that nothing is further from its purpose than prejudice in the smallest degree of civil or religious rights or material interests of the non-Jewish population."

On this basis, therefore, the Government of Palestine has been conducted for the intervening eight years.

We now come to the fourth milestone, namely the White Paper issued from the Colonial Office by Lord Passfield in the past month. The question which has to be judged is whether the new Declaration of the Socialist Government departs from the position established in 1922, which position was, however reluctantly, accepted by Zionists as in interpretation of the Balfour letter and of the Mandate. Here it should be said that the difference is largely one of emphasis. Lord Passfield is an aged minister worn with a lifetime of literary and sociological labors who has, as is

well known, long been anxious to seek repose. It may well be that he has not given that intense personal attention and original effort to this White Paper that controversial delicacy and importance of subject required. No one, according to the Premier, was more surprised than the Colonial Office at the interpretation placed upon their document. The alteration of the emphasis of a few passages and phrases might easily have brought the balance of the statement into harmony with the balance achieved in 1922. This, we hope, may yet be done.

There are, however, at least two deviations of principle which must be remarked. The first has already been mentioned. Lord Passfield in basing himself upon the report of the Permanent Mandates Commission of the League of Nations that the obligations laid down by the Mandate in regard to the two sections of population are of equal weight, has overlooked or ignored the fact that obligations are totally different in character. Secondly, frequent use in Lord Passfield's paper of Mandatory obligations "to inhabitants of Palestine, both Arabs and Jews," diverges fundamentally from the 1922 White Paper which, following upon the Balfour Declaration and the Mandate, recognized in obligation not only to the inhabitants of Palestine—Arab or Jew—but

to the Zionist movement all over the world to whom the original promise was made.

"When it is asked," says the White Paper of 1922, "what is meant by the development of the Jewish National Home in Palestine it may be answered that it is not the imposition of a Jewish Nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world in order that it may become a centre in which Jewish people as a whole may take, on grounds of religion and race, an interest and pride. But in order that this community should have the best prospect of free development and provide full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of the Jewish National Home in Palestine should be internationally guaranteed and that it should be formally recognized to rest upon the ancient historic connection."

Discrepancy in fact and in spirit is obvious. British obligation is not limited to the inhabitants of Palestine. It must also comprise further external obligation. The duty of the British Govern-

ment cannot be discharged merely by a convenient administrative treatment of a local situation.

There is no use at this stage in examining whether the obligations which Great Britain has contracted by the Balfour letter and the Palestine Mandate were wise or unwise. The sole question is whether they are being fulfilled, or that they are incapable of fulfilment, or that our latest Government has neither the will nor the means to persevere in their fulfilment, there is one relief and one relief only which can be sought. No one could claim that the British nation is bound for all time, irrespective of events or of their own physical and moral strength to pursue the policy of establishment of the Jewish National Home. But from the moment that we recognize and proclaim that we have departed from these undertakings and are regarding the Zionist cause as a mere inconvenient incident in the Colonial Office administration of Palestine, we are bound to return our Mandate to the League of Nations and forego the strategic moral and material advantages arising from the British control of, and association with the Holy Land.

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